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NEW DELHI, SATURDAY, OCTOBER 10, 1992/ASVINA 18, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों, उनके छोड़ेकर) द्वारा जारी किए गए आदेश और अधिसूचनाएँ
Orders and Notifications issued by Central Authorities (other than Administrations of Union
Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 7 अगस्त, 1992

आ.अ. 244 :—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट लोक सभा के साधारण निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से दृष्टा है, स्तम्भ (4) में उनके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए गए नियमों द्वारा अर्पणित अपने निर्वाचन व्ययों का लेखा अर्पणित रीति में दाखिल करने में असफल रहा है ;

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (1) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य-क्षेत्र की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

सारणी

क्र० निर्वाचन का विवरण सं०	संसदीय निर्वाचन-क्षेत्र की क्र० सं० और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निराहता का कारण
1	2	3	4
1. लोक सभा के लिए साधारण निर्वाचन, 1989	2—मोरमुगाओ	देसाई मधु विठोबा, प्रथम तल, यमुना अपार्टमेंट्स, सिरवोदम नवेलिम, भारगाओ, गोवा।	निर्वाचन व्ययों का कोई भी लेखा वाञ्छित करने में असफल रहे।
2. —वही—	—वही—	प्रभु एम० एस०, 181, बोरडा, भारगाओ, गोवा।	—वही—

[सं० 76/गोवा—सं० सं०/91]

प्रादेश से,

ए० के० श्रीवास्तव, सचिव

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 7th August, 1992

O.N. 244.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the General Election to the House of the People as specified in column (2) and held from the constituency specified in column (3) against his/her name has failed to lodge any account of his/her election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidate, has either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representation made by him/her if any, is satisfied that he/she has no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the person specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State or Union Territory for a period of three years from the date of this order :—

TABLE

S. Particulars of Election No.	S. No. & Name of Parliamentary Constituency	Name & Address of the contesting candidate	Reasons for disqualification
1.	2.	3.	4.
1. General Elections to the House of the People, 1989.	2 -- Mormugao	Desai Madhu Vithoba, Ground Floor, Yamuna Appartments, Sirvodem, Navelim, Margao, Goa.	Failed to lodge any account of election expenses.
2. —do—	—do—	Prabhu M.S., 181, Borda, Margao, Goa.	—do—

[N .76/GOA-HP/91]

By order,

A. K. SRIVASTAVA, Secy.

आदेश

नई दिल्ली, 7 अगस्त, 1992

आ.अ. 245 :—भारत निर्वाचन आयोग का समाधान हो गया है कि लोकसभा के लिए जून, 1991 में हुए साधारण निर्वाचन के लिए 1-दमन और दीव संसदीय निर्वाचन-क्षेत्र से निर्वाचन लड़ने वाली अभ्यर्थी श्रीमती मीनाक्षी बेन नयन कुमार शाह, हनुमान स्ट्रीट, बुलसर, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा वाखिल करने में असफल रही है ;

और, उक्त अभ्यर्थी ने निर्वाचन आयोग द्वारा सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रयत्न स्वीकार नहीं किया है।

अतः, अब, उक्त अधिनियम की धारा 10क के अनुसरण में भारत निर्वाचन आयोग इसके द्वारा श्रीमती मीनाक्षी बेन नयन कुमार शाह को संसद के किसी भी सदन के या किसी राज्य/क्षेत्र राज्य-क्षेत्र की विधान सभा प्रत्यवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[संख्या : 76/दमन और दीव-लो० सं०/91]

आदेश से,

ए० के० श्रीवास्तव, सचिव

ORDER

New Delhi, the 7th August, 1992

O.N. 245.—Whereas the Election Commission of India is satisfied that Smt. Minaxiben Nayankumar Shah, Hanuman Street, Bulsar, a contesting candidate at the General Election to the House of the People held in June, 1991 from 1-Daman & Diu Parliamentary Constituency has failed to lodge any account of her election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder ;

And, whereas, the said candidate has not furnished any reason or explanation for the said failure even after due notice of the Election Commission ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares Smt. Minaxiben Nayankumar Shah, to be disqualified for being chosen as, and for being a member of either House of the Parliament or the Legislative Assembly or Legislative Council of a State/ Union Territory for a period of three years from the date of this order.

[No. 76/DD-HP/91]

By Order,

A. K. SRIVASTAVA, Secy

नई दिल्ली, 7 अगस्त, 1992

आ.अ. 246 :—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उपधारा (1) और (2) में निहित उपबन्धों के अनुसरण में और तारीख 1 मार्च, 1975 की अपनी अधिसूचना संख्या 508/त० ना०/75 का अधिष्ठापन करते हुए निर्वाचन आयोग इसके द्वारा :—

- नीचे की सारणी के स्तम्भ 1 में विनिर्दिष्ट तमिलनाडु राज्य के प्रत्येक जिला/क्षेत्र के लिए इसके सामने स्तम्भ 2 में विनिर्दिष्ट अधिकारी को उम जिले/क्षेत्र के लिए जिला निर्वाचन अधिकारी के रूप में पदाभिहित करता है, और
- सारणी के स्तम्भ 3 में, वह क्षेत्र विनिर्दिष्ट करता है जहां ऐसा प्रत्येक अधिकारी अपने अधिकारों का प्रयोग करेगा।

सारणी

जिला/क्षेत्र की क्रम संख्या और नाम	जिला निर्वाचन अधिकारी का पदनाम	अधिकारिता का क्षेत्र
1	2	3
1. मद्रास शहर	आयुक्त, मद्रास निगम, मद्रास-3	मद्रास शहर
2. चिगलपट्ट	कलेक्टर, चिगलपट्ट एम० जी० ग्राम०	चिगलपट्ट एम० जी० ग्राम० जिला
3. उत्तरी अर्काट अम्बेडकर	कलेक्टर, उत्तरी अर्काट अम्बेडकर	उत्तरी अर्काट अम्बेडकर जिला।
4. तिरुवनमलाह—साम्बुवरायार	कलेक्टर, तिरुवनमलाह साम्बुवरायार	तिरुवनमलाह—साम्बुवरायार जिला।
5. दक्षिणी अर्काट	कलेक्टर, दक्षिणी अर्काट	दक्षिणी अर्काट जिला
6. धर्मपुरी	कलेक्टर, धर्मपुरी	धर्मपुरी जिला।
7. सलेम	कलेक्टर, सलेम	सलेम जिला।

1	2	3
8. पेरियार	कलक्टर, पेरियार	पेरियार जिला ।
9. कोयम्बटूर	कलक्टर, कोयम्बटूर	कोयम्बटूर जिला ।
10. नीलगिरिम	कलक्टर, नीलगिरिम	नीलगिरिम जिला ।
11. मदुरै	कलक्टर, मदुरै	मदुरै जिला ।
12. डिन्डिगुल ग्रन्ना	कलक्टर, डिन्डिगुल ग्रन्ना	डिन्डिगुल ग्रन्नाजिला ।
13. तिरुचिरापल्ली	कलक्टर, तिरुचिरापल्ली	तिरुचिरापल्ली जिला ।
14. थन्जावुर	कलक्टर, थन्जावुर	थन्जावुर जिला ।
15. नागापट्टीनम कैद ए-मिल्लेथ	कलक्टर, नागापट्टीनम कैद-ए-मिल्लेथ	नागापट्टीनम कैद-ए मिल्लेथ जिला ।
16. पुडुकोट्टाड	कलक्टर, पुडुकोट्टाड	पुडुकोट्टाड जिला ।
17. रामनाथपुरम	कलक्टर, रामनाथपुरम	रामनाथपुरम जिला ।
18. कामराजार	कलक्टर, कामराजार	कामराजार जिला ।
19. पासुम्पोन मुथुरामालिगाथेवर	कलक्टर, पासुम्पोन मुथुरामालिगा थेवर	पासुम्पोन मुथुरामालिगा थेवर जिला ।
20. तिरुनेलवेली कट्टाबोम्मन	कलक्टर, तिरुनेलवेली कट्टाबोम्मन	तिरुनेलवेली कट्टाबोम्मन जिला ।
21. चिदम्बरानार	कलक्टर, चिदम्बरानार	चिदम्बरानार जिला ।
22. कन्याकुमारी	कलक्टर, कन्याकुमारी	कन्याकुमारी जिला ।

[सं. 508/न. न./92

आदेश से,

ए. के. श्रीवास्तव, सचिव

New Delhi, the 7th September, 1992

O. N. 246 : —In pursuance of the provisions contained in sub-sections (1) and (2) of Section 13AA of the Representation of the People Act, 1950 (43 of 1950), and in supersession of its Notification No. 508/-TN/75 dated 1st March 1975, the Election Commission in consultation with the State Government hereby:

- (1) designates for each district/area in the State of Tamil Nadu specified in column 1 of the Table below the officer specified against it in column 2 thereof as the District Election Officer for the District/Area, and
- (2) specifies the area, in respect of which each such officer shall exercise jurisdiction, in column 3 of the Table.

TABLE

S.No. & Name of the District/Area	Designation of District Election Officer	Area of Jurisdiction
1	2	3
1. Madras City	Commissioner, Corporation of Madras, Madras-3	Madras City
2. Chengalpattu—MGR	Collector of Chengalpattu—MGR	Chengalpattu MGR, District
3. North Arcot—Ambedkar	Collector of North Arcot Ambedkar	North Arcot Ambedkar Distt.

(1)	(2)	(3)
4. Tiruvannamalai - Sambuvarayar	Collector of Tiruvannamalai - Sambuvarayar	Tiruvannamalai Sambuvarayar District.
5. South Arcot	Collector of South Arcot	South Arcot District
6. Dharmapuri	Collector of Dharmapuri	Dharmapuri Distt.
7. Salem	Collector of Salem	Salem Distt.
8. Periyar	Collector of Periyar	Periyar Distt.
9. Coimbatore	Collector of Coimbatore	Coimbatore Distt.
10. The Nilgiris	Collector of the Nilgiris	Nilgiris Distt.
11. Madurai	Collector of Madurai	Madurai Distt.
12. Dindigul Anna	Collector of Dindigul Anna	Dindigul Anna Distt.
13. Tiruchirappalli	Collector of Tiruchirappalli	Tiruchirappalli Distt.
14. Thanjavur	Collector of Thanjavur	Thanjavur Distt.
15. Nagapattinam Quaid-E-Milleth	Collector of Nagapattinam Quaid-E-Milleth	Nagapattinam Quaid-E-Milleth Distt.
16. Pudukkottai	Collector of Pudukkottai	Pudukkottai Distt.
17. Ramanathapuram	Collector of Ramanathapuram	Ramanathapuram District
18. Kamarajar	Collector of Kamarajar	Kamarajar Distt.
19. Pasumpon Muthuramalinga Thevar	Collector of Pasumpon Muthuramalinga Thevar	Pasumpon Muthuramalinga Thevar Distt.
20. Tirunelveli—Kattabomman	Collector of Tirunelveli Kattabomman	Tirunelveli—Kattabomman Distt.
21. Chidambaranar	Collector of Chidambaranar	Chidambaranar Distt.
22. Kanniyakumari	Collector of Kanniyakumari	Kanniyakumari Distt.

[No.508/TN/92]

A. K. SRIVASTAVA, Secy.

आदेश

नई दिल्ली, 7 सितम्बर, 1992

आ.अ. 247 :—निर्वाचन आयोग का समाधान हो गया है कि 2-अरुणाचल पूर्व संसदीय निर्वाचन-क्षेत्र में लोक सभा के लिए साधारण निर्वाचन लड़ने वाले एक अभ्यर्थी श्री तावंग जामोह, पोस्ट रानी (वाया) पासोघाट-791102, जिला पूर्व सिचांग, अरुणाचल प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 और उसके अधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे,

और, श्री तावंग जामोह, ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्योचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10क के अनुसरण में, निर्वाचन आयोग श्री तावंग जामोह को संसद के किसी भी दिन या किसी विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. 76/अरुणा/91]

आदेश से,

एस. डी. प्रसाद, सचिव

ORDER

New Delhi, the 7th September, 1992

O.N. 247.—Whereas the Election Commission is satisfied that Shri Tabang Jamoh, Post Ram (Via) Pasighat-791102, District East Siang, Arunachal Pradesh, a contesting candidate for the General Election to Lok Sabha, 1991 from 2-Arunachal East Parliamentary Constituency has failed to lodge any account of his election expenses as required by the representation of the People Act, 1951 and the rules made thereunder;

And, whereas, Shri Tabang Jamoh has not furnished any reason or explanation for the said failure even after due

notice and the Election Commission is satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares Shri Tabang Jamoh to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly, or Legislative Council of a State for a period of 3 years from the date of this order.

[No. 76/ARUN/91]

By Order,

S. D. PERSHAD, Secy.

आदेश

नई दिल्ली, 7 सितम्बर, 1992

आ. अ. 248—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट मध्य प्रदेश विधान सभा के साधारण निर्वाचन/उप निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दर्शित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है ;

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करना है ।

सारणी

क्र.सं.	निर्वाचन का विवरण	निर्वाचन क्षेत्र की क्र.सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहेता का कारण
1	2	3	4	5
1.	मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन 1990	133—बलोदा विधान सभा निर्वाचन-क्षेत्र	श्री फारूक खान नयापारा बलोदा बाजार मध्य प्रदेश	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहा ।
2.	—वही—	—वही—	डा. डी. आर. धुरंधर ग्राम खान पो. मोदी मध्य प्रदेश	—वही—
3.	—वही—	134—पलारी (अ.जा.) विधान सभा निर्वाचन क्षेत्र	श्री मोती लाल ग्राम सोनादह, पो. बिरो, जिला बिलासपुर, मध्य प्रदेश	—वही—
4.	—वही—	137—सराईपालो विधान सभा निर्वाचन-क्षेत्र	श्री पारेश्वर सिंह राय ग्राम संतपालो, पो. भंवरपुर तह. सराईपालो जिला—रायपुर मध्य प्रदेश ।	—वही—

1	2	3	4	5
5.	मध्य प्रदेश विधान सभा के लिए उप निर्वाचन, 1991	141—राजिम विधान सभा निर्वाचन-क्षेत्र	श्री कामता प्रसाद पाठक ग्राम व पो. बोरसी थाना राजिम जिला—रायपुर (मध्य प्रदेश)	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहा।
6.	—वही—	293—धूलकोट (अ. ज. जा.) विधान सभा निर्वाचन-क्षेत्र	श्री दल्लु मंगत ग्राम पोपरी पो. सुरपाला तह. खरगोन मध्य प्रदेश।	—वही—
7.	—वही—	297—बड़वानी (अ. ज. जा.) विधान सभा निर्वाचन-क्षेत्र	श्री सुरेशचन्द्र वास्कर पो. सिनावद तह. बड़वानी जिला—खरगोन मध्य प्रदेश	—वही—
8.	—वही—	307—पेटलावद (अ. ज. जा.) विधान सभा निर्वाचन क्षेत्र	श्री सारवणिया ग्राम झकनावद, तह. पेटलावद जिला झाबुआ मध्य प्रदेश।	—वही—

[सं. 76/म. प्र.-वि. स./91(11)]

आदेश से,
बलवन्त सिंह, सचिव

ORDER

New Delhi the 7th September, 1992

O.N. 248—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column(4) of the Table below at the General Election/Bye Election to the Madhya Pradesh Legislative Assembly as specified in column (2) held from the Constituency specified in column (3) against his/her name has failed to lodge an account of his/her election expenses as required by the Representation of the People Act, 1951 and the rules made thereunder as shown in column (5) of the said Table;

And, whereas, the said candidates have not furnished any reason of explanation for the said failure even after due notice and the Election Commission is thus satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order:—

TABLE

S. No.	Particulars of election	No. and Name of Constituency	Name and address of contesting candidate	Reason for disqualification
1.	2.	3.	4.	5.
1.	General Election to the Madhya Pradesh Legislative Assembly, 1990	133 -Baloda bazar Assembly Constituency	Sh. Farook Khan Nayapara Baloda bazar Madhya Pradesh	Failure to Lodge any account of election expenses

1	2	3	4	5
2.	General Election to the Madhya Pradesh Legislative Assembly, 1990	133—Baloda bazar Assembly Constituency	Dr. D.R. Dhurander Vill Rawan Post Modi Madhya Pradesh	Failure to Lodge any account of election expenses
3.	-do-	134 -Pallari (SC) Assembly Constituency	Shri Moti Lal Vill Sonadah, Post Viri, Distt. Bilaspur, Madhya Pradesh	-do-
4.	-do-	137—Saraipali Assembly Constituency	Shri Pareshwar Singh Rai, Vill Santpali, P. Bhanwarpur, Tah. Saraipali, Distt. Raipur, Madhya Pradesh	-do-
5.	-do-	141—Rajim Assembly Constituency	Shri Kamata Prasad Pathak Vill & P. Borasi, Thana Rajim, Distt. Raipur, Madhya Pradesh	-do-
6.	-do-	293—Dhulkot (ST) Assembly Constituency	Shri Dallu Mangat Vill. Pipri, Post Surpala, Teh. Khargone Madhya Pradesh	-do-
7.	-do-	297—Barwani (ST) Assembly Constituency	Shri Sureshchandra Waskale Post Silawad, Teh. Barwani, Distt. Khargone, Madhya Pradesh	-do-
8.	Bye election to the Madhya Pradesh Legislative Assembly, 1991	307 -Petlawad (ST) Assembly Constituency	Shri Sarwaniya Vill. Jhaknawada, Tah. Petlawad, Distt. Jhabua Madhya Pradesh	-do-

[No.76/MP—LA/91(11)]

By Order,
BALWANT SINGH, Secy.

आदेश

नई दिल्ली, 7 सितम्बर, 1992

आ.अ. 249.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट लोकसभा के साधारण निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विनियमित बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दशित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है ;

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं हैं ;

अतः, प्रबन्धन निर्वचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कावावधि के लिए निर्वाचित घोषित करता है।

सारणी

क्र. सं.	निर्वाचन का विवरण	संसदीय निर्वाचन क्षेत्र की क्र. सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निर्वाचन का कारण
1	2	3	4	5
1.	लोकसभा के लिए साधारण निर्वाचन 1991, (मध्य प्रदेश राज्य)	7-इमोह संसदीय निर्वाचन-क्षेत्र	श्री मन्जु इन्द्रपुरी कालोनी, पन्ना, मध्य प्रदेश	निर्वाचन व्यर्थों का कोई भी लेखा दाखिल करने में असफल रहा।
2.	-वही-	8-सतना संसदीय निर्वाचन-क्षेत्र	श्री शंकरलाल गुप्ता (नत्थू), ग्राम व पो. कोटी, जिला सतना, मध्य प्रदेश।	-वही-
3.	-वही-	-वही-	श्री सुनील टंडन, पुराने पावर हाऊस के सामने, सतना, मध्य प्रदेश।	-वही-
4.	-वही-	10-सीधी (अ. ज. जा.) संसदीय निर्वाचन-क्षेत्र	श्री गेदिया, ग्राम मनहोसर, पो. सेमरिया पोण्डी जिला सीधी, मध्य प्रदेश।	-वही-
5.	-वही-	-वही-	श्री रामलखन, ग्राम व पो. गेहवापानी, जिला मरगुजा (मध्य प्र.)	-वही-
6.	-वही-	-वही-	श्री विष्णुदास सांवा, ग्राम-जम्हा, पो. पथरोला, जिला सीधी (मध्य प्रदेश)	-वही-
7.	-वही-	12-मरगुजा (अ. ज. जा.) संसदीय निर्वाचन क्षेत्र	श्री दिलीप साय, नार्थ चिमरी कालरी, पो. गेहवापानी, जिला - मरगुजा (मध्य प्रदेश)	-वही-
8.	-वही-	-वही-	श्री बालम, ग्राम पर्री (सरनापारा), पो. -सूरजपुर, जिला मरगुजा, (मध्य प्रदेश)	-वही-
9.	-वही-	-वही-	श्री बृजमोहन, ग्राम कुर्गोह, (धईपारा) पो. बड़सरा, तह. सूरजपुर, जिला मरगुजा (मध्य प्रदेश)	-वही-
10.	-वही-	-वही-	श्री मधुनाथरायण, ग्राम - गोपालपुर, पो. -सूरजपुर तहसील सूरजपुर, जिला मरगुजा (मध्य प्रदेश)	-वही-

1	2	3	4	5
11.	लोक सभा के लिए साधारण निर्वाचन, 1991 (मध्य-प्रदेश राज्य)	12—रायगढ़ (अ. ज. जा.) संसदीय निर्वाचन क्षेत्र	श्री इसहाक, ग्राम डाडपानी, पो. खुटेरा, तह. बगीचा, जिला रायगढ़, मध्य प्रदेश।	निर्वाचन व्यर्थों का कोई भी लेखा दाखिल करने में असफल रहा।
12.	—वही—	16—सारंगढ़ (अ. जा.) संसदीय निर्वाचन क्षेत्र	श्री फिरतराम सूर्यवंशी, ग्राम व पो. बिलागी, जिला बिलासपुर (म. प्र.)	—वही—
13.	—वही—	—वही—	श्री भानुप्रताप खूटे ग्राम—सोनादह, पो. बिरा, जिला बिलासपुर, मध्य प्रदेश।	—वही—
14.	—वही—	19—कांकेर (अ. ज. जा.) संसदीय निर्वाचन क्षेत्र	श्री परमेश्वर सिंह सिदार, ग्राम कुंजेमुरा, पो. तराईटोला, जिला रायगढ़, मध्य प्रदेश।	—वही—
15.	—वही—	22—राजनांदगांव संसदीय निर्वाचन क्षेत्र	श्री किशोर कुमार जैन, सदर लाईन, पो. राजनांद गांव, जिला राजनांदगांव, मध्य प्रदेश	—वही—
16.	—वही—	23—बालाघाट संसदीय निर्वाचन क्षेत्र	श्री मुस्ताक अहमद नाज़मी कामरेड, ग्राम दिघोरी, पोस्ट अमेड़ा, तहसील—लांजी, मध्य प्रदेश।	—वही—
17.	—वही—	25—जबलपुर संसदीय निर्वाचन क्षेत्र	श्री विनेश कुमार, बगीचा नं. 63, होली चौक, सदर बाजार, जबलपुर-482001, मध्य प्रदेश।	—वही—
18.	—वही—	—वही—	श्री शम्भू शर्मा, 1663, माईन्स कालेज कालोनी, जबलपुर, मध्य प्रदेश।	—वही—
19.	—वही—	—वही—	श्री वैजनाथ नागेश, 241, शिवनगर, गढ़ा, जबलपुर, मध्य प्रदेश।	—वही—
20.	—वही—	—वही—	श्री अरविन्द कुमार सिंह, 1887, शिवनगर (रोवा कालोनी), छापर रामपुर, जबलपुर (म. प्र.)।	—वही—
21.	—वही—	—वही—	श्री आलोक शर्मा, 432, गलगला, जबलपुर, मध्य प्रदेश।	—वही—
22.	—वही—	—वही—	श्री बिहारी लाल, मौलाना बाई (चन्डी माता), पनागर, जबलपुर, मध्य प्रदेश।	—वही—
23.	—वही—	—वही—	श्री राजेश कुमार, 10, उपरैतगंज, जबलपुर, मध्य प्रदेश।	—वही—
24.	—वही—	—वही—	मौ. हारुन बादशाह, 368/46, डी, नया नं. 425, नई बस्ती, गोंहलपुर, जबलपुर, मध्य प्रदेश।	—वही—

1	2	3	4	5
25.	लोक सभा के लिए साधारण निर्वाचन, 1991 (मध्य प्रदेश राज्य)	25-जबलपुर संसदीय निर्वाचन-क्षेत्र	श्री हीरा लाल धूसरिया, म. नं. 907, मढ़ाताल, जबलपुर, मध्य प्रदेश।	निर्वाजन व्ययों का कोई भी लेखा दाखिल करने में असफल रहा।
26.	-वही-	27-छिन्दवाड़ा संसदीय निर्वाचन-क्षेत्र	श्री प्रेमश्रोवेल भगत, ग्राम केमला, पोस्ट केमला, जिला सिवनी, मध्य प्रदेश।	-वही-
27.	-वही-	30-भोपाल संसदीय निर्वाचन-क्षेत्र	श्री एन. पी. अग्रवाल, 110, मेफिया कालेज रोड, भोपाल, मध्य प्रदेश।	-वही-
28.	-वही-	-वही-	श्री अजय मिश्रा, 88अ/28, तुलसीनगर, भोपाल मध्य प्रदेश।	-वही-
29.	वही-	-वही-	श्री अमर सिंह, 70, कोटरा मुल्तानाबाद, भोपाल, मध्य प्रदेश।	-वही-
30.	-वही-	-वही-	श्रीमती गीता वर्मा, 9 न्यू कालोनी, जिंसी, जहांगीराबाद, चर्च रोड के पीछे, भोपाल, मध्य प्रदेश।	-वही-
31.	-वही-	-वही-	आचार्य पंडित बी. पी. तिवारी, 48, रेजीमेंट रोड, शाहजहाबाद, भोपाल, मध्य प्रदेश।	-वही-
32.	-वही-	-वही-	श्री वृजलाल बतरा, 22/4, पठार गली नं. 1, नूर महल, भोपाल, मध्य प्रदेश।	-वही-
33.	-वही-	-वही-	श्री मान सिंह, 570, एन-2 ई सेक्टर, बरखेड़ा, भोपाल, मध्य प्रदेश।	-वही-
34.	-वही-	-वही-	डा. मोहन लाल पटेल, 105/3, हर्ष वर्धन नगर, भोपाल, मध्य प्रदेश।	-वही-
35.	-वही-	-वही-	श्री रमेश कुमार बाथम, 2/2 नियर पोस्ट आफिस, जहांगीराबाद, भोपाल, (मध्य प्रदेश)।	-वही-
36.	-वही-	-वही-	श्री रमेश सक्सेना, ए-29, कमलानगर, कोटरा मुल्तानाबाद, भोपाल, मध्य प्रदेश।	-वही-
37.	-वही-	-वही-	श्री राधे श्याम, 327, टी. आर. टी., गोविन्दपुरा, भोपाल, मध्य प्रदेश।	-वही-
38.	-वही-	-वही-	श्री लालजी मालवीय, 1302, रांशमपुरा ताका, भोपाल, मध्य प्रदेश।	-वही-

[सं. 76/म.प्र.-लो.स./92(2)]
आदेश से,
बलवन्त सिंह, सचिव

ORDER

New Delhi the 7th September, 1992

O.No. 249.—Whereas the Election Commission is satisfied that each of the contesting candidate specified in Column (4) of the Table below at the General Election to the House of the People as specified in Column (2) held from the constituency specified in Column (3) against his name has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder as shown in Column (5) of the said Table;

And, whereas, the said candidates have not furnished any reason or explanation for the said failure even after due notice and the Election Commission is thus satisfied that they have no good reason or justification for the said failure:

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

TABLE

S. No.	Particulars of Election	No. and Name of Constituency	Name & address of contesting candidate	Reason for disqualification
1	2	3	4	5
1.	General Election to Lok Sabha, 1991 (from Madhya Pradesh State)	7—Damoh Parliamentary Constituency	Shri Sarjoo, Indrapuri Colony, Panna, M.P.	Failure to lodge any account of election expenses
2.	-do-	8—Satna Parliamentary Constituency	Shri Shankar Lal Gupta (Natthu) Vill & Post Kothi, Satna Madhya Pradesh.	-do-
3.	-do-	-do-	Shri Sunil Tandon (Munna) Infront of Purana Power House, Satna, Madhya Pradesh	-do-
4.	-do-	10—Sidhi (ST) Parliamentary Constituency	Shri Gendiya, Vill Mankisar, Post Semariya Pondi, Distt. Sidhi (M.P)	-do-
5.	-do-	-do-	Shri Ramlakhan, Vill & Post Gelhapani, Distt. Surguja (MP)	-do-
6.	-do-	-do-	Shri Vishnudas Sarvan Vill Jamuna, Post Pathraola, Distt. Sidhi (M.P)	-do-
7.	-do-	12—Surguja (ST) Parliamentary Constituency	Shri Dilip Sai, North Chirmiri Colliery, Post Gelhapani, Distt. Surguja (MP)	-do-
8.	-do-	-do-	Shri Balam, Vill Parri, (Sarnapara), Post Surajpur, Distt. Surguja (MP)	-do-

1.	2.	3.	4.	5.
9.	General Election to Lok Sabha, 1991 (from Madhya Pradesh State)	12.—Surguja (ST) Parliamentary Constituency	Shri Brij Mohan, Vill. Kuridih (Ghuipara), Post-Badsara, Teh. Surajpur, Distt. Surguja (MP)	Failure to lodge any account of election expenses.
10.	-do-	-do-	Shri Satyanarayan, Post Surajpur, Vill. Gopalpur, Teh. Surajpur, Distt. Surguja (MP)	-do-
11.	-do-	13—Raigarh (ST) Parliamentary Constituency	Shri Isahaque, Vill. Bandpani, Post. Khutera, Teh. Bagicha, Distt. Raigarh, Madhya Pradesh	-do-
12.	-do-	16—Sarangarh (SC) Parliamentary Constituency	Shri Firatram Suryawanshi Vill & Post Bilari, Distt. Bilaspur (MP)	-do-
13.	-do-	-do-	Shri Bhanupratap Khunte Vill. Sonadah, P.O. Birra, Distt. Bilaspur, Madhya Pradesh	-do-
14.	-do-	19—Kanker (ST) Parliamentary Constituency	Shri Parmeshwar Singh Sidar Vill. Kunjemura, Post. Saraitala, Distt. Raigarh (MP)	-do-
15.	-do-	22—Rajnandgaon Parliamentary Constituency	Shri Kishor Kumar Jain Sadar Line, P.O. Rajnandgaon, Distt. Rajnandgaon, Madhya Pradesh	-do-
16.	-do-	23—Balaghat Parliamentary Constituency	Shri Mustak Ahemad Nazami Kamred, Vill. Dighori, Post. Ameda, Teh. Lanji, Madhya Pradesh	-do-
17.	-do-	25—Jabalpur Parliamentary Constituency	Shri Dinesh Kumar Bagicha No. 63, Holi Chowk, Sadar Bazar, Jabalpur (M.P.)	-do-
18.	-do-	-do-	Shri Shambhoo Sharma 166-3, Science College Colony, Jabalpur (MP)	-do-

1.	2.	3.	4.	5.
19.	General Election to Lok Sabha, 1991 (from Madhya Pradesh)	25—Jabalpur Parliamentary Constituency	Shri Baijnath Nagesh 241, Shivr Nagar, Garha, Jabalpur (M.P)	Failure to lodge any account of election expenses.
20.	-do-	-do-	Shri Arvind Kumar Singh 1887, Shiv Nagar, (Rewa Colony) Chhapar, Kampur, Jabalpur (M.P)	-do-
21.	-do-	-do-	Shri Alok Varma 432-Galgala, Jabalpur (M.P)	-do-
22.	-do-	-do-	Shri Bihari Lal Moulana Ward, (Chandi Mata), Panagar, Jabalpur, Madhya Pradesh	-do-
23.	-do-	-do-	Seri Rajesh Kumar 10-Uprein Ganj, Jabalpur (M.P)	-do-
24.	-do-	-do-	Mohd. Harun Badshah 368/46 D, Naya No. 425 Nai Basti Gohalpur, Jabalpur, (M.P)	-do-
25.	-do-	-do-	Shri Hira Lal Dhusia Makan No. 907 Marhatal, Jabalpur, (M.P)	-do-
26.	-do-	27—Chhindwara Parliamentary Constituency	Shri Premshriwel Bhagat Vill. Kesla, Post Kesla, Distt. Seoni (M.P)	-do-
27.	-do-	30—Bhopal Parliamentary Constituency	Shri N.P. Agarwal 110, Saifia College Road, Bhopal (M.P)	-do-
28.	-do-	-do-	Shri Ajay Mishra 88-A/28, Tulsi Nagar, Bhopal, Madhya Pradesh	-do-
29.	-do-	-do-	Shri Amar Singh 70, Kotra Sultanabad, Bhopal (M.P)	-do-
30.	-do-	-do-	Smt. Gita Verma 9, New Colony, Jinsi, Jahangirabad, Behind Church Road, Bhopal, Madhya Pradesh	-do-
31.	-do-	-do-	Acharya Pandit B.P Tiwari, 48, Regiment Road, Shahjahanabad, Bhopal (M.P.)	-do-

1.	2.	3.	4.	5.
32.	General Election to Lok Sabha, 1991 (from Madhya Pradesh)	30- Bhopal Parliamentary Constituency	Shri Brij Lal Batra 22/4 Patra Gali No. 1, Noormahal, Bhopal (M.P)	Failure to lodge any account of election expenses.
33.	-do-	-do-	Shri Man Singh 570-N/2, F-Sector, Barkheda, Bhopal (M.P)	-do-
34.	-do-	-do-	Dr. Mohan Lal Patel 105/3, Harshwardhan Nagar, Bhopal, Madhya Pradesh.	-do-
35.	-do-	-do-	Shri Ramesh Kumar Batham 2/2 Near Post Office. Jahangirabad, Bhopal, Madhya Pradesh.	-do-
36.	-do-	-do-	Shri Ramesh Saxena A-29, Kamlanagar, Kotra, Sultanabad, Bhopal (M.P)	-do-
37.	-do-	-do-	Shri Radhey Shyam 327, T.R.T., Govindpura, Bhopal, Madhya Pradesh	-do-
38.	-do-	-do-	Shri Lalji Malviya 1302, Roshanpur Naka, Bhopal, Madhya Pradesh.	-do-

[No. 76/MP-HP/92(2)]

By Order,

BALWANT SINGH, Secy., Election Commission of India.

आदेश

नई दिल्ली, 7 नवम्बर, 1992

आ.अ. 250.—निर्वाचन आयोग का समाधान हो गया है कि नाचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट असम लोकसभा के निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र में हुआ है स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा गठन बनाए गए नियमों द्वारा अवेक्षित उक्त सारणी के स्तम्भ (5) में यथा दशित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है :

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यावहारिक नहीं है :

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की प्रांग 10-क के अनुसरण में नाचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/गंघ राज्य क्षेत्र की विधानसभा अथवा विधान परिषद के सदस्य चुने जाने और और होने के लिए आदेश की तारीख में तीन वर्षों का कारावधि के लिए निरहिम घोषित करता है :

सारणी

क्र. सं	निर्वाचन का विवरण	निर्वाचन क्षेत्र का क्र. सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहिता का कारण
1	2	3	4	5
1.	लोकसभा के लिए साधारण निर्वाचन, 1991	14-लखिमपुर संसदीय निर्वाचन-क्षेत्र	श्री हिरण्य पेगू, गां. केकुरा पामुआ, पो. केकुरा पामुआ, मिरा, धार्कूमाखाना, जिला- लखिमपुर, असम	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहा।

1	2	3	4	5
2.	प्रथम विधानसभा के लिए साधारण निर्वाचन, 1991	9-मिर्जापुर विधानसभा निर्वाचन क्षेत्र	श्री सनाना डे, निक रोड, मिर्जापुर, प्रथम।	निर्वाचन व्ययों का बोर्ड भी लेखा दाखिल करने में प्रयत्न रहे।
3.	-वही-	-वही-	श्री गैवेन्दु मोहन राय, ग्राम सुन्दर मागनी, मिल्कर प्रथम।	-वही-
4.	-वही-	11-घोलाई (प्र. ज. ज.) विधानसभा निर्वाचन क्षेत्र	श्री सुध्या कुमार, सरकार, गां. मैतपुर, भाग 2, पो. मैतपुर, जिला-कछार, प्रथम।	-वही-
5.	-वही-	14-बडखोला विधानसभा निर्वाचन क्षेत्र	श्री इन्ताजुर रहमान, गां. जतराईलताला, पो. आगईलताला जिला-कछार, प्रथम।	-वही-
6.	-वही-	-वही-	श्री हरीना कुमार शर्मा, गां. कमरबेण्ट, पो. बडखोला, कछार, प्रथम।	-वही-
7.	-वही-	36-बुधनाई (प्र. ज. ज.) विधानसभा निर्वाचन क्षेत्र	श्री अहल्या गायरी, गां. नाब नगर (हेमनगरवासी) दिसपुर, महाहाटी - 6	-वही-
8.	-वही-	41-भबानीपुर विधानसभा निर्वाचन क्षेत्र	श्री अश्विज हर्षाज, गां. चाउलिबाबारी, पो. सार्वेता, जिला-बारपेटा, प्रथम।	-वही-
9.	-वही-	46-मकुखेखो विधानसभा निर्वाचन क्षेत्र	अशिताभ राय, गां. सकुमणी गांव पो. खानागारा, जिला-कामरूप, प्रथम।	-वही-
10.	-वही-	56-कमलपुर विधान सभा निर्वाचन क्षेत्र	श्री गणेश डेका, गां. धारमारा, पो. खानागारा, मुवाहाटी - 781022	-वही-
11.	-वही-	58-ममलपुर विधानसभा निर्वाचन क्षेत्र	श्री जनकेन्द्र दास, गां. लासपारा, पो. तेकीतोला, जिला-नल्बारी, प्रथम।	-वही-
12.	-वही-	63-खामागुरी (प्र. ज. ज.) विधानसभा निर्वाचन क्षेत्र	श्री बनीकाला बाभुमार्जे, गां. बारेगाव, पो. सामिलपुर जिला-नल्बारी, प्रथम।	-वही-
13.	-वही-	68-दलगांव विधानसभा निर्वाचन क्षेत्र	श्री धात्रु शरीफ, दलगांव, पो. दलगांव, जिला-बारंग, प्रथम।	-वही-
14.	-वही-	-वही-	श्री साजिबुल हक, मंगलदीई कम्बा, बार्ड नं. 2, पो. मंगलदीई, जिला-बारंग, प्रथम।	-वही-
15.	-वही-	-वही-	श्री जनेलाल बुचा, खाम्पेटिया कम्बा, बार्ड नं. 1, पो. खान पेडिया, थाना-दलगांव, जिला-बारंग, प्रथम।	-वही-
16.	-वही-	91-होलाई विधानसभा निर्वाचन क्षेत्र	श्री तफाजुल हुसैन, गां. बारमुखारी, पो. होलाई, जिला-तागाव, प्रथम।	-वही-
17.	-वही-	97-देमगांव विधानसभा निर्वाचन क्षेत्र	श्री गुनाराम दास, राकमबन गोजपुरिया रोड, जोन्हाट - 1, प्रथम।	-वही-
18.	-वही-	100-टीटाबोर विधानसभा निर्वाचन क्षेत्र	श्री फजलुर रहमान, वेवेजिया गांव, टीटीबोर, मौजा, पो. पुराना टीटाबोर, जिला-ओरहट, प्रथम।	-वही-

1	2	3	4	5
19.	असम विधानसभा के लिए साधारण निर्वाचन, 1991	101-मरियानो विधानसभा निर्वाचन क्षेत्र	श्री नरतेन बुरागो हेन, जोयमती नगर, पो. मरियानो, जिला - जोरहट, असम।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
20.	-वही-	-वही-	श्री पुरण कुकोन, अमतालिया गांव, पो. सेलेनहाट, जिला - जोरहट, असम।	-वही-
21.	-वही-	-वही-	श्री विजय कृष्ण मैकिया, कुकुरा, बांगा, पो. अभोयपुरिया, गोमा साहिग, जिला - जोरहट, असम।	-वही-
22.	-वही-	104-ताजिरा विधानसभा निर्वाचन क्षेत्र	श्री बुद्धेश्वर, मधुरापुर जंगल, पो. निमोनागढ़, असम।	-वही-
23.	-वही-	-वही-	श्री ओहित गोरोई, बालीगांव, पो. रामनी अली, असम।	-वही-
24.	-वही-	122-तिनसुकिया विधानसभा निर्वाचन क्षेत्र	श्री सुजता मुखर्जी, जी. एन. बी. रोड, तिनसुकिया, असम।	-वही-
25.	-वही-	123-डिगबोई विधानसभा निर्वाचन क्षेत्र	श्री सीला बोरा, नं. 2, बोरबिल, डिगबोई, असम।	-वही-
26.	-वही-	125-डूम डूमा विधानसभा निर्वाचन क्षेत्र	श्री सिमसन हुंसा, टोंगोना बाजार, डूमडूमा, असम।	-वही-
27.	-वही-	-वही-	श्री नाथ बरमन, तपोवन, रूपोई, सिर्षिग, असम।	-वही-
28.	-वही-	-वही-	श्री ठाकुर रघु कुमार सिंह, मेन रोड, डूम डूमा, असम।	-वही-
29.	-वही-	62-बरमा (अ. ज. जा.) विधानसभा निर्वाचन क्षेत्र	श्री बर्न कालां बासुमती गां. धारेगांव, पो. तामुलपुर, जिला - मल्बाड़ी, असम।	-वही-

[सं. 76/असम/91]

मादेश से,

एस. बी. प्रसाद, सचिव

ORDER

New Delhi, the 7th September, 1992

O.N.250—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the Lok Sabha/Legislative Assembly of Assam as specified in column (2) held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and Rules made thereunder as shown in column (5) of the said Table

And, whereas, the said candidates have not furnished any reason or explanation for the said failure even after due notice and the Election Commission is thus satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10 of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen

as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order :—

TABLE

Sl. No.	Particulars of election	No. & Name of Constituency	Name & Address of contesting candidate	Reason for disqualification
1	2	3	4	5
1.	General Election to Lok Sabha, 1991.	14-Lakhimpur Parliamentary Constituency	Shri Hiranya Pegu, Vill. Kekuri Pamua, P.O. Kekuri Pamua Miri Dhakuakhana, Distt. Lakhimpur, Assam.	Failed to lodge any account of election expenses.
2.	General Election Assam Legislative Assembly, 1991	9-Silchar Assembly Constituency	Shri Santana Dey, Link Road, Silchar Assam.	Failed to lodge account of election expenses.
3.	—do—	—do—	Shri Sailendu Mohan Roy, Shyam Sunder Sarani, Silchar, Assam.	—do—
4.	—do—	11-Dholai (SC) Assembly Constituency	Shri Sudhanya Kumar Sarkar, Vill. Saidpur Pt. II, P.O. Saidpur, Distt. Chachar, Assam.	—do—
5.	—do—	14-Barkhola Assembly Constituency	Shri Intazur Rahman Laskar, Vill. Jarailtala, P.O. Jarailtala, Distt. Cachar, Assam.	—do—
6.	—do—	—do—	Shri Ruhini Kumar Sharma, Vill. Kamarbond, P.O. Barkhola, Cachar, Assam.	—do—
7.	—do—	36-Dhudnci (ST) Assembly Constituency	Shri Ahalya Gayari, Vill. Nab Nagar, (Hengarabari), Dispur, Gauhati-6.	—do—
8.	—do—	41-Bhabanipur Assembly Constituency	Shri Abdul Habiz, Vill. Chauliabari, P.O. Sarupeta, Distt. Barpeta, Assam.	—do—
9.	—do—	46-Sarukhetri Assembly Constituency	Shri Amitabh Roy, Vill. Rukminigaon, P.O. Khanapara, Distt. Kamrup, Assam.	—do—
10.	—do—	56-Kamalpur Assembly Constituency	Shri Ganesh Deka, Vill. Dwarandha, P.O. Khanapara, Gauhati-781022.	—do—

1	2	3	4	5
11.	General Election to to Assam Legislative Assembly, 1991	58-Tamulpur Assembly Constituency	Shri Jnakendra Das, Vill. Lawpra, P.O. Tebitola, Distt. Nalbari, Assam.	Failed to lodge any account of election expenses.
12.	—do—	63-Chapaguri (ST) Assembly Constituency	Shri Bani Kanta Basumatary Vill. Baregaon, P.O. Tamulpur, Distt. Nalbari, Assam.	—do—
13.	—do—	68-Dalgaon Assembly Constituency	Shri Abu Sharif, Dalgaon, P.O. Dalgaon, Distt. Darrang, Assam.	—do—
14.	—do—	68-Dalgaon Assembly Constituency	Shri Sajeedul Haque Mangaldoi Town, Ward No. 2, P.O. Mangaldoi, Distt. Darrang, Assam.	—do—
15.	—do—	—do—	Shri Jatanlal Bucha Kharupetia Town, Ward No. 1, P.O. Kharupetia, P.S. Dalgaon, Distt. Darrang, Assam.	—do—
16.	—do—	91-Hojai Assembly Constituency	Shri Tafazul Hussain, Vill. Barpukhri, O.P. Hojai, Distt. Nagaon, Assam.	—do—
17.	—do—	97-Dargaon Assembly Constituency	Shri Tuniram Das, Rajamaddan Gojpuria Road, Jorhat-I, Assam.	—do—
18.	—do—	100-Titabor Assembly Constituency	Shri Fazlur Rahman, Bebejia Gaon, Titabor Mouza, P.O. Purana Titabor, Distt. Jorhat, Assam.	—do—
19.	—do—	101-Mariani Assembly Constituency	Shri Nagen Buragohain, Joymati Nagar, P.O. Mariani, Distt. Jorhat, Assam.	—do—
20.	—do—	—do—	Shri Purna Phukon, Amtalia Gaon, P.O. Selenghat, Distt. Jorhat, Assam.	—do—
21.	—do—	—do—	Shri Bijoy Krishna Saikia Kukura Chowa, P.O. Abhoypuria, Mouza Lahing, Distt. Jorhat, Assam.	—do—

1	2	3	4	5
22.	General Election to Assam Legislative Assembly, 1991	104-Nazira Assembly Constituency	Shri Budheswar, Mathurapur Jungle, P.O. Nimonagarh, Assam.	Failed to lodge any account of election expenses.
23.	—do—	—do—	Shri Lohit Gogri, Baligaon, P.O. Mamani Ali, Assam.	—do—
24.	—do—	122-Tinsukia Assembly Constituency	Shri Subrata Mukherjee G. N. B. Road, Tinsukia, Assam.	—do—
25.	—do—	123-Digboi Assembly Constituency	Shri Lila Bora, No. 2, Borbil, Digboi, Assam.	—do—
26.	—do—	125-Doom Dooma Assembly Constituency	Shri Simson Hansa Tongona Bazar, Doom Dooma, Assam.	—do—
27.	—do—	—do—	Shri Naba Barman, Tapoban, Pupai Siding, Assam.	—do—
28.	—do—	—do—	Shri Thakur Pudra Kumar Singh, Main Road, Doom Dooma, Assam.	—do—
29.	—do—	62-Barama (ST) Assembly Constituency	Shri Banikanta Basumatary Vill. Baregaon, P.O. Tamulpur, Distt. Nalbari, Assam.	—do—

[No. 76 /AS/91]
By Order,
S.D. PERSHAD, Secy.

नई दिल्ली, 16 सितम्बर, 1992

आ. व 251—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उपधारा (1) और (2) के अनुसरण में और अपनी तारीख 23 मई, 1984 की अधिसूचना संख्या 508/मेघालय/84 का अधिक्रमण करते हुए, निर्वाचन आयोग राज्य सरकार के परामर्श से :

1. नीचे की सारणी के स्तम्भ (1) में ब्रिटिश मेघालय राज्य में से प्रत्येक जिले के लिए उसके सामने उक्त सारणी के स्तम्भ (2) में ब्रिटिश अधिकारी को उस जिले के जिला निर्वाचन अधिकारी के रूप में इसके द्वारा पदाभिहित करता है, और

2. उक्त सारणी के स्तम्भ (3) में वह क्षेत्र जिसमें ऐसा प्रत्येक अधिकारी अधिकारिता का प्रयोग करेगा, इसके द्वारा ब्रिटिश करता है।

सारणी

जिले की क्रम संख्या और नाम	जिला निर्वाचन अधिकारी का पदनाम	अधिकारिता का क्षेत्र
1	2	3
1. जैन्तिया हिल्स	उपायुक्त, जैन्तिया हिल्स, जोर्बाई	जैन्तिया हिल्स जिला।
2. पूर्वी खासी हिल्स	उपायुक्त, पूर्वी खासी हिल्स, तिलींग	पूर्वी खासी हिल्स जिला।

1	2	3
3. पश्चिमी खासी हिल्स	उपायुक्त, पश्चिमी खासी हिल्स, नोंगस्टोइन।	पश्चिमी खासी हिल्स जिला।
4. रिभोई	उपायुक्त, रिभोई, नोंगपोह।	रिभोई जिला।
5. पूर्वी गारो हिल्स	उपायुक्त, पूर्वी गारो हिल्स, बिलियमनबुड़।	पूर्वी गारो हिल्स जिला।
6. पश्चिमी गारो हिल्स	उपायुक्त, पश्चिमी गारो हिल्स, तुरा	पश्चिमी गारो हिल्स जिला।
7. दक्षिणी गारो हिल्स	उपायुक्त, दक्षिणी गारो हिल्स, माधमारा	दक्षिणी गारो हिल्स जिला।

[सं. 508/मेघालय/92]
मात्रेण से,
एम. डी. प्रशाद, सचिव

New Delhi, the 16th September, 1992

O.N. 251 :—In pursuance of sub-sections (1) and (2) of section 13AA of the Representation of the People Act, 1950 (43 of 1950), and in supersession of its notification No. 508/MEG/84 dated 23rd May, 1984, the Election Commission in consultation with the State Government, hereby :

1. designates for each district in the State of Meghalaya specified in column 1 of the Table below the officer specified against it in column 2 thereof as the District Election Officer for that District, and
2. specifies the area in column 3 of the said Table, in respect of which each such officer shall exercise jurisdiction.

TABLE

Sl. No. & Name of District	Designation of District Election Officer	Area of jurisdiction
1	2	3
1. Jaintia Hills	Deputy Commissioner, Jaintia Hills, Jowai.	Jaintia Hills District.
2. East Khasi Hills	Deputy Commissioner, East Khasi Hills, Shillong.	East Khasi Hills District.
3. West Khasi Hills	Deputy Commissioner, West Khasi Hills, Nongstoin.	West Khasi Hills District.
4. Ri-Bhoi	Deputy Commissioner, Ri-Bhoi, Nongpoh.	Ri-Bhoi District.
5. East Garo Hills	Deputy Commissioner, East Garo Hills, Williamnagar.	East Garo Hills District.
6. West Garo Hills	Deputy Commissioner, West Garo Hills, Tura.	West Garo Hills District.
7. South Garo Hills	Deputy Commissioner, South Garo Hills, Baghmara.	South Garo Hills District.

[No. 508/MEG/92]
By Order,
S. D. PERSHAD, Secy.

नई दिल्ली, 16 सितम्बर, 1992

आ.अ.252:—निर्वाचन आयोग 1985 की निर्वाचन अर्जी सं 2 में पंजाब तथा हरियाणा उच्च न्यायालय के तारीख 28-5-1986 के निर्णय और आदेश के विरुद्ध दाखिल की गई 1986 की सिविल अपील सं० 3041 में तारीख 18-8-1992 को दिए गए भारत के उच्चतम न्यायालय के निर्णय को लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 116ग की उपधारा (2) के खण्ड (ख) के अनुसरण में इसके द्वारा प्रकाशित करता है।

(आदेश अंग्रेजी में प्रकाशित है)

[सं 82/हरि-सो. स. 2/85]

आदेश से,

एस. डी. प्रसाद, सचिव

New Delhi, the 16th September, 1992

O.N. 252.—In pursuance of clause (b) of sub-section (2) of Section 116C of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the order dated the 18th August, 1992 of the Supreme Court of India in Civil Appeal No. 3041 filed against the Judgment and Order dated 28th May, 1986 of the High Court of Punjab and Haryana Chandigarh in Election Petition No. 2 of 1985.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
Civil Appeal No. 3041 (NCE) of 1986

Uttam Singh and Ors.

.....Appellants.

Versus

Rao Birender Singh.

.....Respondent.

Certified to be true copy

Sd/-

Assistant Registrar (Judl.)

28-8-1992

Supreme Court of India

ORDER

When the appeal was taken up, none appeared for the appellant. The appeal is dismissed for non-prosecution.

No Costs.

Sd/-

(M. N. VENKATACHALLAH)

Sd/-

(P. B. SAWANT)

Sd/-

(N. P. SINGH)

New Delhi,
18th August, 1992.

[No. 82/HN-HP/2/85]

By Order,

S. D. PERSHAD, Secy.

नई दिल्ली; 16 सितम्बर, 1992

आ.अ. 253:—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग, गोवा सरकार के परामर्श से श्री पी. एस. भटनागर, के स्थान पर श्री डी.

के निवेदी, आई. ए. एस., वित्त सचिव, गोवा सरकार को उनके कार्य भार सम्भालने की तारीख से अगले आदेशों तक गोवा राज्य के मुख्य निर्वाचन अधिकारी के रूप में एतद्वारा नामनिर्देशित करता है।

[सं 154/गोवा/92]

आदेश से

के. पी. जी. कुट्टी सचिव

New Delhi, the 16th September, 1992

O.N. 253.—In exercise of the powers conferred by sub-section (1) of Section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Government of Goa hereby nominates Shri D. K. Trivedi, IAS, Finance Secretary, Government of Goa as the Chief Electoral Officer for the State of Goa with effect from the date he takes over charge and until further orders vice Shri P. S. Bhatnagar.

[No. 154/Goa/92]

By Order,

K. P. G. KUTTY, Secy.

नई दिल्ली, 17 सितम्बर, 1992

आ.अ.254:—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचन आयोग एतद्वारा 1990 की निर्वाचन अर्जी सं 1 में दिया गया पटना उच्च न्यायालय (रांची बेंच रांची) का तारीख 4-4-92 का आदेश प्रकाशित करता है।

(आदेश अंग्रेजी में प्रकाशित है)

[सं 82/बिहार(1/90)/92]

आदेश से

बलवन्त सिंह, सचिव

New Delhi, the 17th September, 1992

O.N. 254.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the order dated the 4-4-1991 of the High Court Judicature at Patna (Ranchi Bench, Ranchi) in Election Petition No. 1 of 1990.

IN THE HIGH COURT OF JUDICATURE AT PATNA
RANCHI BENCH

E. P. 1/90(R)

Mahatma Mishra Vs. A. K. Roy.

4-4-91. Heard Mr. S. N. P. Sharma, Learned Counsel for the petitioner and Mr. S. N. Singh, learned counsel for the respondent.

It is the admitted position in this case that the Parliament in which respondent, A. K. Roy, was said to have been elected has been dissolved and a fresh election has been ordered.

Relying on a ruling reported in AIR 1974 Supreme Court, 505, this election petition has, in fact and in effect, become

infructuous as there is no living issue now which requires decision. In fact, carrying such type of election case will ultimately amount to futile exercise of power for no benefit of either to the petitioner or to the respondent involving unnecessary wastage of court's time and money of the parties. The parties also agree that this matter should not be carried on any further.

Mr. S. N. Singh, learned counsel for the respondent only raised a point for payment of cost.

Having heard even on this point, I think, the parties should bear their own costs.

Relying on the aforesaid decision and after hearing the counsel for the parties, this election petition is dismissed as being infructuous.

Let it be communicated to all concerned.

Sd/-
L. P. Shahdeo.

[No. 82/BR/(1/90)/92]

By Order,
BALWANT SINGH, Secy.

नई दिल्ली, 18 सितम्बर, 1992

आ.अ. 255:—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचन आयोग एतद्द्वारा 1989 की निर्वाचन अर्जी सं 2 में दिया गया पटना उच्च न्यायालय (पटना बेंच, पटना) का तारीख 19-4-91 का आदेश प्रकाशित करता है।

(आदेश अंग्रेजी में प्रकाशित है)

[सं 82/बिहार/(2/89)/92]

आदेश से:
बलवन्त सिंह, सचिव

New Delhi, the 18th September, 1992.

O. N. 255.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the order dated the 19th April, 1991 of the High Court of Judicature at Patna in Election Petition No. 2 of 1989.

ELECTION PETITION NO. 2 OF 1989

Chandeshwar Prasad Sinha ...Petitioner.

Versus

Professor Sailendra Nath Shrivastava ...Respondent.

PRESENT :

For the petitioner—M/s. S. N. P. Sharma, Amrendra Kumar Singh.

For the respondent—None.

ORDER

THE HON'BLE JUSTICE OM PRAKASH :

On Prakash, J.—This is an application u/s 151 C.P.C. read with section 87 of the Representation of People Act, 1951 containing a prayer to decide the point of improper rejection of the nomination paper of the petitioner for the election to the 9th Lok Sabha from 35 Patna Parliamentary Constituency held in 1989.

2. The petitioner has filed Election Petition No. 2 of 1989 on the ground of improper acceptance of the nomination paper of the sole respondent, a teacher in Bihar National College, Patna, and improper rejection of his nomination paper on the ground that he held an office of profit under the Government being an employee of the Central Bank of India. A prayer has been made in the election petition to declare election of the sole respondent as void.

3. After filing of the election petition, 9th Lok Sabha has been dissolved. Elections to the 10th Lok Sabha are going to be held next month.

4. In his above application the petitioner has stated that he will file his nomination paper for the election to the 10th Lok Sabha from the same constituency and there is every likelihood that the Returning Officer will again reject his nomination paper. Hence, he prays that this Court should decide the question of propriety of rejection of his nomination paper for the election to the 9th Lok Sabha before 27th April, 1991 which is the date fixed for scrutiny of nomination papers.

5. The learned counsel for the petitioner, in course of his argument, has referred to the decision in the case of Kripal Singh reported in A.I.R. 1986 S.C. 300. In that case, Kripal Singh was elected to the Punjab Legislative Assembly at the General Election held in 1972. His election was set aside by Punjab and Haryana High Court in an election petition filed by one of the defeated candidates on the ground that nomination paper of another candidate was improperly rejected by the Returning Officer. The nomination paper of one Basant Singh had been rejected on the ground that Basant Singh was a Development Officer in the employment of Life Insurance Corporation and was therefore ineligible to seek election to the assembly. Holding that nomination paper of Basant Singh was improperly rejected, the High Court set aside the election of Kripal Singh.

6. Kripal Singh preferred an appeal. Subsequent to the filing of the appeal three more General Elections were held for the Assembly. In such circumstance, the Supreme Court held that the appeal thus has become wholly infructuous. Their Lordships observed "though the question raised is an important one which may arise again and in the future, we do not propose to make any pronouncement upon it since we think the matter is one which should receive the consideration of the Parliament and suitable Legislation be enacted". The Supreme Court recommended to the Government to have the matter examined by the Law Commission very early observing that when a suitable occasion arises in the future, the Court will, of course, deal with the matter, probably helped by new legislation.

7. In view of dissolution of the 9th Lok Sabha, I am of the opinion that the election petition filed by the petitioner should be dropped, as it would be improper exercise of judicial power to decide the question of rejection of petitioner's nomination paper to the 9th Lok Sabha. The Court should not waste public time simply because petitioner's nomination paper for the 10th Lok Sabha is likely to be rejected again. If the petitioner files his nomination paper for the 10th Lok Sabha election and the same is rejected, he may file a fresh election petition, if so advised. In view of the above, the application under consideration is rejected.

8. The election petition No. 2 of 1989 is hereby dropped. The security money deposited by the petitioner be returned to him on application in accordance with rules.

9. In Carter's case as reported in L.R.C.P. (74)107 it has been held that the effect of a dissolution of Parliament while an election petition is pending, before the hearing of such petition, is that the petition drops and the Court will order the sum deposited by the petitioner by way of security for costs to be returned to him.

Sd/-
(Om Prakash)

The Patna High Court, Patna.

The 19th April, 1991.

Anil, A.F.R.

[No. 82/BR/(2/89)/92].

By Order,
BALWANT SINGH, Secy.

नई दिल्ली, 21 सितम्बर, 1992

आ.अ. 256:—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग की 1990 की निर्वाचन अर्जी संख्या 6 में पंजाब और हरियाणा उच्च न्यायालय चण्डीगढ़ के तारीख 5-9-1991/27-9-1991 का निर्णय/आदेश एतद्वारा प्रकाशित करता है।

(निर्णय/आदेश अंग्रेजी में प्रकाशित है)

[संख्या 82/हरि.-लो. स./6/90]

आदेश से

एस० डी० प्रशास्य सचिव

New Delhi, the 21st September, 1992

O.N. 256.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the Judgement/order dated 5th September, 1991/27th September, 1991 of the Punjab & Haryana High Court, Chandigarh in Petition No. 6 of 1990.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

Civil Misc. Side

ELECTION PETITION NO. 6 OF 1990

1. Surinder Pal Singh son of Shri Desh Raj,
Resident of Doomar Khan Kalan, Tehsil
Narwana, District Jind.
2. Balbir Singh son of Shri Surat Singh,
Resident of Village Saffa Kheri Tehsil
Narwana, District Jind.

...Petitioners.

Versus

Shri Jai Parkash son of Shri Hari Kesh,
Member Parliament (Returned Candidate),
Resident of Village Dubbal, Tehsil and District
Kaithal.

...Respondent.

Election Petition under the provisions of Chapter-II, Sections 80, and 81 and 100 of the Representation of People Act, 1951 praying that :—

- (i) That the Election of respondent be declared void on the grounds mentioned in the Election Petition;
- (ii) disqualify respondent Shri Jai Parkash for 6 years;
- (iii) name the persons guilty of corrupt practices or any other illegal practice;
- (iv) any other order which this Hon'ble High Court may deem fit and proper in the facts and special circumstances of this case, be passed;
- (v) cost of the petition be awarded to the petitioners;

E. P. No. 6 of 1990.

Dated, the 27th September, 1991

PRESENT :

The Hon'ble Mr. Justice M. S. Liberhan.

For the Petitioners—Mr. Anil Rathee, Advocate.

For the Respondents—Mr. R. S. Dhankar, Advocate.

ORDER

Since there is no evidence to prove the averments made in the election petition, issue is decided against the petitioners. The petition is dismissed with costs.

Sd/-

M. S. Liberhan.

Judge.

Dated : 27-9-1991.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CIVIL MISC. SIDE

ELECTION PETITION NO. 6 OF 1990

1. Surinder Pal Singh son of Shri Desh Raj,
Resident of Doomar Khan Kalan, Tehsil,
Narwana District Jind.
2. Balbir Singh son of Shri Surat Singh,
resident of Village Saffa Kheri Tehsil,
Narwana District Jind.

...Petitioners.

Versus

Shri Jai Parkash son of Shri Hari Kesh.

Member Parliament (Returned Candidate), resident
of village Dubbal Tehsil and District Kaithal.

...Respondent.

Election Petition Under The Provisions of Chapter II, Sections 80, and 81 and 100 of the Representation of People Act, 1951 praying that :—

- (i) That the Election of respondent be declared void on the grounds mentioned in the Election Petition;
- (ii) disqualified respondent Shri Jai Parkash for 6 years;
- (iii) name the persons guilty of corrupt practices or any other illegal practice;
- (iv) any order which this Hon'ble High Court may deem fit and proper in the facts and special circumstances of this case, be passed;
- (v) cost of the petition be awarded to the petitioners;

E.P. No. 6 of 1990.

Dated the 5th September, 1991

PRESENT

THE HON'BLE MR. JUSTICE MAN MOHAN SINGH LIBERHAN.

For the Petitioners :—Mr. H. S. Hooda, Sr. Advocate,
with Sh. Anil Rathee, Advocate.

For the Respondent :—Mr. Mohinderjit Singh Sethi,
Sr. Advocate, with Mr. R. S. Dhankar, Adv.

JUDGEMENT

M. S. Liberhan, J.—The petitioners have challenged the election of the returned candidate on the ground of commission of corrupt practices of undue influence etc.

(2) Succinctly, the material facts pleaded by the petitioners are that the returned candidate was the president of the Haryana Green Brigade, a youth militant group of the Haryana Janta Dal, ruling party in the State of Haryana. The returned candidate along with his supporters opened fire on 21-11-1980 at 10.30 P.M. in different parts of Hissar town near the polling stations relating to a segment forming part of 9 Hissar Parliamentary Constituency. This was done in order to frightened the electors belonging to weaker section of society and the ladies.

(3) Mr. Kartar Singh Tomar, the Senior Superintendent of Police, Hissar, followed the returned candidate and his green brigade in order to create an impression in the public

that the police is there to help the green brigade and the returned candidate and his supporters with his consent. These acts of vandalism and indulgence in violence including the apprehension was reported to the Chief Election Commission of India by the Congress-I candidate Birinder Singh. It was claimed that the respondent committed the corrupt practices as denied by Section 123(2) of the Representation of the People Act, 1951 (hereinafter referred to as the 'Act').

(4) Further, the facts averred in the election petition are that on 22-11-1989 when the poll commenced the returned candidate along with his supporters named therein, alleged to have raided polling booth Nos. 112, 115 and 116. Model Town Hissar at 8.40 A.M. They were followed by Mr. K. S. Tomar, SSP along with his police force. The returned candidate threatened the electors who are standing in queue for casting their votes, to leave the place at once. Mr. Tomar, SSP also threatened those electors to go away from the polling booths, otherwise they would be dealt with severely. The S.S.P. conducted himself in this fashion on the asking of the returned candidate. As a result of this, the voters left the polling booths because of the threatened terror created by the returned candidate, his supporters as well as the S.S.P. On the asking of Mr. Jai Parkash returned candidate his supporters removed the tents installed by the Congress-I workers near the said polling stations and beaten them and the electors who were getting their slips for casting their votes. It was averred that the named persons who were the incharge of Congress-I poll campaign and were helping voters for getting their vote numbers etc. were also man-handled. These acts were attributed to have been committed directly by the returned candidate and his other persons with his consent. It was alleged that it amounted to undue influence by direct interference with the free exercise of electoral right of the electors of the 9 Hissar Parliamentary Constituency.

(5) Similar acts were repeated at 9.20 A.M. on 22-11-1989 at booth Nos. 117 to 120 Model Town Hissar. The averments made are in the same tenor as already stated above. It was alleged that the voters who were standing in the queue for casting their votes were beaten up. The returned candidate and Mr. Tomar, SSP, with the consent of the returned candidate threatened the electors and ordered them to leave the place.

(6) Almost similar acts were attributed to the returned candidate, having been committed at 10.00 A.M. on 22-11-89 along with his supporters at booth Nos. 128 to 131 at Vaid High School Hissar. It was pleaded that the returned candidate asked his persons accompanying him to open fire and beat the Congress-I electors or their workers. Again it was stated that at about 12.30 P.M. on 22-11-1989 the returned candidate along with the supporters opened indiscriminating firing at polling booth Nos. 121 to 125 situated in Patel Nagar Hissar. On the instigation of the returned candidate the persons accompanying him, the electors standing in the queue for casting their votes were beaten and threatened and they were compelled to leave the place. It was claimed that one Balwant Chawla, who was a Congress-I elector was chased by the returned candidate and his supporters from a polling booth and was ultimately murdered. Similarly, Sobha Ram one of the electors and worker of the Congress-I along with other workers of the Congress-I was beaten up by the returned candidate and his supporters with his consent. Mr. K. S. Tomar S.S.P Hissar, accompanied by the police constabulary with the consent of the returned candidate threatened the electors at the polling booths and asked them to go away to their houses otherwise they would be arrested.

(7) Similarly, on 22-11-1989 at 2.30 P.M. the returned candidate along with his supporters repeated their acts on polling booth Nos. 38 and 39. It was attributed that Jai Parkash the returned candidate not only threatened the electors standing in the queue, but they were also beaten up. Thus, because of the fear and terror created by the returned candidate the electors left the said booths without casting their votes. It was in general terms pleaded that the electors,

as mentioned above, were terrorised, beaten up and were not allowed to cast their votes and the same amounted to direct interference with the free exercise of electoral rights of electors of the 9 Hissar Parliamentary Constituency.

(8) It was averred that on 22-11-1989 at 4.00 P.M. the returned candidate along with his supporters came to the polling booths Nos. 96 to 103, threatened the electors and also beat them up as a result of which the electors left the said booths without casting their votes. It was alleged that terror was not only created in the above mentioned polling booths but in the whole city of Hissar. Thus, there was no free and fair polls. The act of beating up the electors by the returned candidate, his supporters and terrorising them with his consent amount to direct interference with the free exercise of electoral rights of the electors in the 9 Hissar Parliamentary Constituency. It was averred that the Chief Election Commission, after holding an enquiry with respect to the above incidents ordered repoll at 24 polling booths, which was held on 25-11-1989. The order of repoll with respect to 24 polling booths and declining the same in respect to 76 polling booths for which repoll was claimed was challenged.

(9) The corrupt practices as envisaged by Section 123(7) of the Act were attributed to the returned candidate, ~~inter alia~~, on the grounds that the returned candidate obtained and procured the assistance of Mr. K. S. Tomar, S.S.P. Hissar, for furtherance of the prospects of the election. It was alleged that Mr. Tomar, S.S.P. with the consent of the returned candidate actively helped the respondent and acted as his agent and threatened the electors standing in queues at various polling booths for casting their votes.

(10) On the pleadings of the parties the following preliminary issues were framed :—

1. Whether the Election Petition does not disclose any cause of action?
2. Whether the allegations made in paras 5 to 11 of the Election Petition discloses material facts with regard to commission of corrupt practice of undue influence as envisaged by Section 123(2) of the Representation of People Act?
3. Whether the Petition discloses material facts constituting corrupt practice as envisaged by Section 123(7) of the Act?
4. Whether the Election Petition is accompanied by an affidavit in accordance with the Act and Rules? If not, what is its effect?
5. Whether Paras 12, 13, 14, 15, 17, 18, 19 and 20 of the Election Petition are liable to be struck off as they do not disclose any ground within the meaning of Section 100 of the Act and are therefore, not relevant to the controversy of the present Election Petition?
6. Whether necessary parties have been impleaded?
7. Whether the respondent/returned candidate is guilty of corrupt practice of procuring the assistance of the police for furtherance of the prospects of his election petition under Section 123(7) of the Act?

It has been observed in *K. C. Kapoor v. Smt. Radhika Devi (dead)* by L.Rs. and others, AIR 1981 Supreme Court 2128 that the pleadings are not to be construed in a hyper-technical manner and what is to be seen is, whether the allegations gave sufficient notice to the respondents of the case they had to meet. It would be apposite at this stage to reproduce the observations made by the Supreme Court in *Udhav Singh v. Madhav Rao Schindia* AIR 1976 S.C. 74: the judgment on which both the parties relied in order to impress the manner and the parameters within which the pleadings are to be read. The law laid down by the said judgment runs as under :—

"We are afraid, this ingenious method of construction after compartmentalisation, dissection, segregation

and inversion of the language of the paragraph, suggested by Counsel, runs counter to the cardinal canon of interpretation, according to which a pleading has to be read as a whole to ascertain its true import. It is not permissible to cull out a sentence or a passage and to read it out of the context in isolation. Although it is the substance and not merely the form that has to be looked into, the pleading has to be construed as it stands without addition or subtraction of words, or change of its apparent grammatical sense. The intention of the party concerned is to be gathered, primarily from the tenor and terms of his pleading taken as a whole".

(11) It is axiomatic that the Representation of People Act, 1951 (hereinafter referred to as the Act) is a Code in itself. It has been repeatedly observed that Election Petition is neither an action at law nor a suit in equity but is a statutory proceeding unknown to the common law and Court's process. Ordinarily, the Courts do not have any common law powers while dealing with Election disputes. It has further been observed by various precedents by the Supreme Court that ordinarily election should not be interfered with. All electoral rights and right to franchise are the creation of the statute. The right to vote and the electoral rights can be exercised in accordance with the process and the method provided by the Act. These are subject to the limitations placed on them by the statute. The manner of their exercise remedy in case of their violation and the process by which they can be enforced has been provided by the Act alone. Violation of the Act can only be remedied in accordance with it. It also provides the procedure too.

(12) At this stage, the scheme of the Act may be noticed. Part VI of the Act provides the methodology for determination of the dispute regarding election. Section 83 of the Act provides what an Election Petition should contain. It runs as under:—

"3. Contents of Petition.—(1) An election petition—

- (a) shall contain a concise statement of the material facts on which the petitioner relies;
- (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and
- (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure 1908 (5 of 1908) for the verification of pleadings:

(Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegations of such corrupt practice and the particulars thereof).

- (2) Any schedule or annexure to the petition shall also be signed by the particular and verified in the same manner as the petitioner.

(13) Section 87 of the Act envisages the trial of the Election Petition in accordance with the procedure provided in the Code of Civil Procedure, of course, subject to the provisions of the Act. Where there are specific provisions in the Act itself, the provisions of the Code of Civil Procedure shall not apply. There is no dispute that there is no contradiction in Section 83 of the Act and Orders VI and VII of the Code of Civil Procedure, i.e. the provisions relating to the pleadings. The provisions of Section 83 of the Act, Orders VI and VII of the Code of Civil Procedure, read together in consence with each other envisage that an Election Petition shall contain a concise statement of mate-

rial facts on which the petitioner relies. In addition to it in case the petitioner alleges the commission of corrupt practice, it has been enjoined upon him to set forth full particulars of the corrupt practice which the petitioner attributes to the returned candidate. It further provides that the Election Petition shall state as far as possible the names of the parties as alleged to have committed the corrupt practice as also the date and place of its commission. The particulars with respect to each corrupt practice have to be stated independently.

(14) It is the people who are the sovereigns; it is the people who have worked out the mechanism. In democracy, the people who have worked out the mechanism in order to govern themselves through their elected representatives who are none else but one of them. Purity of elections is a fundamental and basic requirement in democracy. Purity of election being the central pillar of democracy has to be protected zealously. The Representation of People Act provides safeguards to maintain the purity of election. Our Constitution can only work if the right to govern really vest in the people and is reflected in the democratic process, i.e. democratic set up that comes into being represented the true will of the people. The purity of election being the prime necessity of the democratic process, the process of election is the soul of the democratic process of governance. An election petition and the election process is an important step in the mechanism or working of the democratic set up. It sets into motion an important proceeding. It constituted the beginning of the scrutiny of the election process by the Court in which the petitioner alone is not interested but the people in general also have deep interest.

(15) The Act confers a right on the electors and it provides the methodology for the election. Consequences of violation of the electoral rights have been provided for by Section 100 of the Act which provide the ground for setting aside the election. The process for setting aside the election is only by means of an election petition. Section 100 provides violation of the electoral rights resulting in rendering the election at naught. The events or the facts resulting in violation of the electoral rights must answer and relate to one of the grounds for setting aside an election as envisaged by Section 100 of the Act before an election can be set aside. There is no doubt that election can be set aside on account of commission of a corrupt practice at the election. The corrupt practices have further been defined and itemised by Section 123 of the Act.

(16) Elector, though not a party to the Election Petition, has got as much interest in it for all intents and purposes as the actual party has. In an election petition the Courts have to keep in view whether it reflects the true will of the people eligible persons have been elected, the purity of election has been maintained, no corrupt practice has been committed and further the voters were protected from fraud, deception and compulsions.

(17) The conspectus of the law laid down in plethora of authorities cited at the Bar is, that the paramount consideration in the Election Petition is to maintain purity of election and track the corrupt practices. There is no ritualistic formula to be followed in the pleadings. The approach to the pleadings should be made with a view to satisfy the requirements of law. It is the public interest and not that of the petitioner's alone which has to be kept in view. The pleadings have to be seen as a whole. If the pleadings disclose the substance of the commission of a corrupt practice in its letter and spirit the pleadings cannot be and should not be thrown away as disclosing no cause of action.

(18) The object of pleadings or of filing an Election Petition is, in fact, to facilitate the trial and to give a fair opportunity to the respondent to defend himself against the charges attributed to him.

(19) The pleadings in an Election Petition no doubt should be precise, specific and un-ambiguous. At the same time, they cannot be read by compartmentalisation. They have to be read as a whole. While interpreting the pleadings, endeavour has to be made to find out the substance of the facts and the things stated. Mere inartistic drafting or the clumsiness cannot result in the dismissal of an Election Petition at its

threshold. It cannot amount to a non-disclosure of cause of action. It is the substance in the Election Petition which is material and not its form.

(20) It is enjoined on the petitioner to state in the election petition all the material facts disclosing a cause of action. In case of averments of corrupt practice, apart from the statement of material facts, it is required that material particulars of the corrupt practice should also be disclosed in the petition. The requirement of the Act envisages that in case of allegations of corrupt practice, the petition has to be supported by an affidavit in the prescribed form. Neither the law of pleadings nor the provisions of the Act envisage the pleading of evidence or law or the legal results flowing from the facts to be pleaded. At the same time, it is also accepted that the mere use of epithets in the pleadings is of no consequence.

(21) It may be noticed that cause of action as understood, is a bundle of facts entitling a person in the eventuality of violation of his right, to enforce the same through the remedy provided by the statute. It must be a whole cause of action. Every ingredient constituting the violation of the right must have occurred. It is an act or omission on the part of the defendant which gives the petitioner a cause of action. The petitioner must have legal right, a natural or a right conferred by a statute. The act of interference by a person in exercise of any of these rights confers a right to enforce it by means of a legal process. The act of violation of the right committed by a person gives the petitioner a cause of action.

(22) It has been judicially well settled what are material facts.

(23) The material facts, though nowhere defined, yet by precedents, have required some connotation. The material facts, in each case stand on their own footing. These are the facts which if established, give the petitioner the relief asked for. Apart from other tests, one of the test suggested by the judicial precedents, is "whether the Court could have given a direct verdict in favour of the election petitioner on the basis of the facts and the pleadings in case the returned candidate had not appeared to oppose the election petition? Material facts are the necessary facts formulating a complete cause of action. The material facts are constituted of the grounds, the charge i.e. the facts constituting the charge and the facts necessary to formulate a complete cause of action. Material facts must demonstrably state the facts showing existence of a right, its violation and consequences of the violation. They must show what has been prohibited by the Act, has been done. These are the facts from which a particular conduct which is violation of the statutory provisions of the Act or is not in conformity with it, has to be inferred. These must and should categorically, precisely and unambiguously show the ground of attack. Material facts are sine qua non for an election petition. The words of the statute cannot be taken for material facts inasmuch as these are the facts leading to a conclusion. What are the material facts or whether a fact is a material fact or not and is required to be pleaded as such, is a question which depends on the nature of the charge levelled, the grounds relied upon and the special circumstances of the case. These are the facts which offer the basis for the allegations made in the election petition material facts must be germane to the statute giving a cause of action to the petitioner. They must specify the essential ingredients of the corrupt practices alleged. Material facts are the soul of an election petition. In the absence of material facts, an election petition cannot be tried. In the absence of material facts an election petition is, in fact, no election petition. Reference may be made to *Ram Sewak Yadav v. Hussain Kamil Kidwai and Others* AIR 1964 S.C. 1249.

(24) Similarly, it is well settled that the material particulars in a case of corrupt practice are sometime so interwoven with material facts that it becomes difficult to separate the two. The material particulars may have material facts but it may not be true otherway round. The object of material particulars as understood is to give a complete and definite picture of the acts attributed to the returned candi-

date. They are required to be stated in terms of Section 83 of the Act. The Act enjoins a duty on the petitioner to disclose the material particulars as far as possible only in case of corrupt practices. The object appears to be and has been recognised as intended to meet fairness to the returned candidate and to fulfil the picture of cause of action with information sufficiently detailed to put the returned candidate on guard and not to throw a surprise upon him.

(25) Learned counsel for the returned candidate argued that the Election Petition as presented, is devoid of material facts. It does not disclose the name and particulars of the electors whose rights are alleged to have been interfered with. It has not been specified whether the persons alleged to have been threatened were the party workers or the electors. No material facts from which interference in electoral rights of the electors can be inferred, have been pleaded. It was argued that the petitioners have nowhere pleaded that the persons who were alleged to have not cast their votes, were registered as voters in the Constituency of the returned candidate. The persons who were asked to leave the Polling Booth had to be necessarily voters in the Constituency. It was contended that the names of the perpetrators of the corrupt practice have not been stated. The thrust of the argument was that these were the material facts required to be stated and the petition being brief of the same is liable to be dismissed at this stage.

(26) It was further urged that in case the perpetrators of the alleged corrupt practice were other than the returned candidate, the fact constituting the consent of the returned candidate has not been stated in the Election Petition. These are material facts which are conspicuously missing in the election petition. It was argued that interference has to be in the electoral rights of the electors asking non-voters to go away, would not amount to interference in the electoral rights. It was argued that in order to constitute corrupt practice of undue influence, it has to be exercised on the voters before they cast their votes. Its exercise after votes are cast, is of no consequence. It is either the voter was threatened or was induced to exercise the electoral right in a particular fashion or the elector was not allowed to exercise his electoral right that constitute the corrupt practice of undue influence.

(27) The learned counsel for the returned candidate pointed out, the particulars missing as the Registration Number of the car in which the returned candidate and his supporters are alleged to have gone to the Polling Booth, the nature of weapons used, the persons who fired in the air, and the vote number of the electors whose electoral right has been interfered with. These particulars have not been specifically stated in the petition.

(28) So far as the material facts constituting the commission of corrupt practice envisaged by Section 123(7) of the Act are concerned, it was argued that it has not been stated how the assistance of the Government Gazetted Officers for furtherance of the prospects of the election of the returned candidate had been obtained. It was further argued that since it had not been attributed to Mr. K. S. Tomar Senior Supdt. of Police that he had asked Congress-I voters not to vote, consequently no material facts constituting corrupt practice as envisaged by Section 123(7) of the Act has been disclosed.

(29) The learned counsel for the returned candidate submitted that petitioners cannot be allowed to furnish better particulars after a lapse of nine months.

(30) The learned counsel for the returned candidate relied on *Lalit Kishore Chaturvedi v. Jagdish Prasad Thanda* 1990 (1) S.P.J. 290, *Ram Dial v. Sant Lal and others*, A.I.R. 1959 S.C. 855, *Jamuna Prasad Singh v. Shri Ram Nivas and others*, A.I.R. 1959 Madhya Pradesh 226, *Balwant Singh v. Lakshmi Narain and others* A.I.R. 1960 S.C. 770, *Chandrashekhar Singh v. Sanjoo Prasad Singh and another*, A.I.R. 1961 Patna 189, *Krishna Kumar v. Krishna Gopal*, A.I.R. 1964 Rajasthan 21, *Jaising Kesharsingh Rehvar v. Vallabhdas Shankarlal Thekdi and others*, A.I.R. 1967 Gujarat 62, *Baburao Patel and others v. Dr. Zakir Hussain and*

others, A.I.R. 1968 S.C. 904, Samant N. Balakrishna etc. v. George Fernandez and others, A.I.R. 1969 S.C. 1201. H. V. Kamath v. C. H. Nitraj Singh, A.I.R. 1970 S.C. 211, Hardwari Lal v. Kanwal Singh, A.I.R. 1972 S.C. 515, J. K. Chouhury v. Birendra Chandra Dutta (1972) 42 E.L.R. 66, Manphul Singh v. Surinder Singh, A.I.R. 1973 S.C. 2158, Buchan Singh and another v. Prithvi Singh and others, A.I.R. 1975 S.C. 926, Ziyauddin Burhanuddin Bukhari v. Brijmohan Ramdas Mehra and others, A.I.R. 1975 S.C. 1788, Udhav Singh v. Madhav Rao Schindia, A.I.R. 1976 S.C. 744, Virendra Singh v. Vimal Kumar, A.I.R. 1976 S.C. 2169, Asd Lal v. Kanshi Ram, A.I.R. 1980 S.C. 1358, Roop Lal Sathi v. Nachhattar Singh, A.I.R. 1982 S.C. 1559, Charan Lal Sahu v. Giani Zail Singh and another with Nem Chandra Jain v. Zail Singh and Charan Singh and others v. Zail Singh and another, A.I.R. 1984 S.C. 309, Ram Singh and others v. Col. Ram Singh, A.I.R. 1986 S.C. 3 and Azhar Hussain v. Rajiv Gandhi, A.I.R. 1986 S.C. 1253.

(31) The learned counsel for the petitioners refuted the submissions made and in the alternative contended that the missing facts pointed out are neither material facts nor material particulars. It was further urged that in case the Court comes to the conclusion that the particulars alleged to be missing are found to be the material particulars and are the necessary particulars, the petitioners are willing supply the same within the time allowed by the Court.

(32) In order to support his contention, the learned counsel for the petitioners relied on *Jamuna Prasad Singh v. Shri Ramnivas and others*, A.I.R. 1959 Madhya Pradesh 226, *Chandrashekhar Singh v. Sarjoo Prasad Singh and another*, A.I.R. 1961 Patna 189, *Krishna Kumar v. Krishna Gopal*, A.I.R. 1964 Rajasthan 21 and *Lalsing Keshrising Rehvar v. Vallabhdas Shankerlal Thekdi and others*, A.I.R. 1967 Gujarat, 62.

(33) At this stage, it would be expedient to refer to the relevant provisions of the Act, which are under consideration. Section 79 of the Act runs as under:

"Electoral right' means right of a person to stand or not to stand, to withdraw or not to withdraw from being a candidate or to vote or refrain from voting at an election."

(34) Section 123(2) of the Act defines undue influence which runs as under:

"123(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right;

Provided that—

(a) without prejudice to the generality of the provisions of the clause any such person as is referred to therein who—

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or any elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure.

shall be deemed to interfere with the free exercise of the electoral right of such candidate or electoral within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause."

(35) Although the counsel did not formulate his submission in a particular form yet the averments of various events,

each constituting an independent act of undue influence, have been stated in Paragraphs 5 to 11 of the Election Petition. The material facts with respect to each event are narrated in an independent Para of the Election Petition. Though the averments of material facts made in each Para are independent corrupt practices as defined by Sec. 123, yet the averments of the material facts are a kin to each other and it would be apposite to state in extenso in the words of the election petitioners taken from Paragraph 9, which runs as under:

"That at about 12.30 Noon on 22nd November, 1989 Sarvashri Jai Parkash, returned candidate, along with Shri Sukhpal Singh alias Sukha, Chander Singh, resident of Pega District Jind, Bhupinder resident of Julani District Jind, Joga Singh, Dharmvir resident of Anupgarh District Jind, and many others came to Patel Nagar, Hissar, in their respective vehicles. There were 10/12 vehicles in which the above mentioned persons came to Patel Nagar Polling booths Nos. 121, 122, 123, 124 and 125 which were set up in one locality. Shri Jai Parkash and others mentioned above came down from their vehicles and opened indiscriminate firing. Shri Jai Parkash asked his above named persons and others who were accompanying him to beat and threaten the electors who were standing in the queue for casting their votes. Shri Jai Parkash and the above named persons and some others with his consent gave beating to the electors who were standing in their queue and they were compelled to leave the place under threat. Electors were beaten up by them and most of the electors because of their fear run away and left the polling booths. Not only this, Shri Jai Parkash asked his above named persons and other supporters who were accompanying him to remove the tents set up by the Congress-I and beat the Congress-I workers. The tents which were installed by the Congress-I for the above mentioned Booths, was managed by one Jai Mal Singh, Advocate, Hissar, who is also a Municipal Commissioner, Hissar. The above mentioned persons manhandled him also besides other Congress-I workers. Shri Balwant Chawla, a young boy who was also a Congress-I elector was chased by them from the polling Booths and ultimately the boy was murdered. Shri Sobha Ram son of Bhuru was also one of the electors/workers of the Congress-I and helping Shri Jai Mal Singh in managing the work regarding the above mentioned polling booths. He was also beaten up by Shri Jai Parkash—respondent (returned candidate) and his supporters with his consent and connivance. Shri K. S. Tomar, SSP Hissar along got down from his Ambassador Car along with his 2/3 police constables at the polling booth and threatened the electors and asked them to go away to their houses, otherwise they would be arrested. It was done by him at the asking of the returned candidate, Shri Jai Parkash—respondent."

(36) Paragraph 9 has been specifically quoted in extenso, for the reason that the thrust of arguments of the learned counsel with respect to lack of facts, was directed mainly towards this Para as it contained a little more details and facts are more lucidly stated therein than the other Paragraphs. Otherwise as stated above, the scheme of the statement of material facts in Paragraphs 5 to 11 is *pari materia* with the facts stated in Paragraph 9 and we need not repeat the same.

(37) There is no dispute that the Election Petition can be rejected in limine if it does not disclose any cause of action. Reference may be made to Azhar Hussain's case (*supra*) and *Dhartinakar Madan Lal Agarwal vs. Shri Rajiv Gandhi*, A.I.R. 1987 S.C. 1577.

(38) A reading of section 123 makes it obvious that it is not only a case of interference in the free exercise of the electoral right of a particular person, which amounts to corrupt practice of undue influence, a general threat held out to the electors of the constituency has also been prohibited by the Act and has been recognised as a corrupt practice of undue

influence. The object of itemising corrupt practices of undue influence appears to be keeping away the exercise of brawl for winning the election. Taking any unfair advantage by the returned candidate resulting in the compulsion of the voters to vote or refrain from voting or exercise their electoral right under any compulsion and not according to their free will, has been taken care of under the head, "commission of undue influence", as well as booth capturing.

(39) The scheme of section 123 of the Act is defining, itemising and stating certain defined acts to be corrupt practices. The object and the intention of the Legislature, from a reading of the section appears to be upkeeping the purity of the elections. The statute by keeping social conditions and human inability to comprehend the ingenuity for corrupting the election system to secure political power, has defined the undue influence in most general terms. The words and language of the section are quite wide and general in nature and not restricted. Giving it a natural meaning it includes all influences contrary to the due and permissible influence. It has not only provided a direct of indirect interference in the electoral right by any person with the consent of the returned candidate or his election agent as undue influence, but even an attempt at interference in the electoral right has been taken care of and has been defined to be undue influence for the purpose of the Act. Not only this, by providing a deeming definition of undue influence a threat to a person with any injury of any kind has been stated to be a deemed undue influence. The deeming provisions have to be taken to a logical end and given effect to. An attempt has been kept within the ambit of undue influence rendering the election void.

(40) The dictum provided by Hon'ble the Supreme Court in Lalit Kishore Chaturvedi's case (supra), is that there cannot be any dispute that undue influence is an influence which arises on facts pleaded and proved. Mere averment that a person exercised undue influence, in the absence of precise facts, namely the nature of such influence, the person on whom it was exercised, and the time and place of its exercise, is of no consequence. In the absence of material facts, the pleadings fall short of the requirement of law. The thrust of argument of the learned counsel for the returned candidate is on the law laid down by the Supreme Court to the effect "the person on whom it was exercised and the time and place of it", makes it obvious that the person on whom it was exercised is the material fact along with the time and place of its exercise.

(41) I find no force in the contention raised by the learned counsel for the returned candidate. The observations made by the Supreme Court cannot be read in isolation nor it can be read as a statute. The observations made or a sentence stated here and there cannot be read out of the context and without keeping in view the facts and circumstances of the case in which the observations were made. A particular sentence cannot be called out of the entire decision and then relied upon. It was in the facts and circumstances of the case as well as the nature of undue influence alleged, that it was observed that the person upon whom it was exercised was necessary to be disclosed in the Election petition as a material fact. That is not so in the case in hand. The facts of the case cited are not even close to either the facts of or the questions involved in and being determined in the instance case.

(42) The Hon'ble Supreme Court made the observations while considering whether a false statement regarding the result of election was designed to exercise undue influence on the minds of the voters so that free exercise of their right to vote is effectively interfered with.

(43) In Bachan Singh's case (supra) the Hon'ble Supreme Court observed that section 123(2) is couched in very wide terms. It was observed that the prefix 'undue' includes that there must be some abuse of the influence. 'Undue' is used in contra-distinction to 'proper influence'.

(44) There is no dispute with the proposition of law laid down in Bachan Singh's case (supra), but there is no skinness of facts on which the observations were made by the Supreme Court to the effect, the averments made and the nature of undue influence attributed to the returned candidate in the case in hand.

(45) So far as Ziyauddin Burhanuddin Bukhari's case (supra) is concerned, it was section 123(3-A) of the Act, which was under consideration. The Hon'ble Supreme Court after taking note of the definition of undue influence as defined under the Indian Contract Act and Representation of people Act, observed, "It will be seen that English law on the subject has the same object as the relevant provisions of section 123 of our Act. But, the provisions of sections 123 (2), 123(3) & 123(3A) seem wider in scope and also contain specific mention of what may be construed as "undue influence" viewed in the background of our political history and the special conditions which have prevailed in the country".

(46) In Baburao Patel's case (supra), it was observed that issuance of a whip by the Prime Minister to party legislators asking for vote and declaration of public policy of the party does not amount to undue influence.

(47) In J. K. Choudhury's case (supra), the question whether assaults in the election by workers of a party on the workers of another party amount to undue influence or not, was not determined. This is so discernible from the following observations made :—

"We shall assume that these instances of assault by Congress workers on the United Front workers are true. But our attention has not been invited to any evidence on record to show that the assaults in question were "either engineered by the appellant or were made with his consent. During the election times when emotions are roused and party feelings worked up, it is not uncommon to have such incidents here and there but that does not amount to an undue influence under section 123(2) of the Act".

(48) The propositions laid down in Manphul Singh's case (supra), Dhartipakar Madan Lal Agarwal's case (supra) and Azhar Hussain's case (supra) are to the effect that :—

(i) charges of corrupt are quasi criminal and should be proved satisfactorily; (ii) the allegations should not be vague and general in nature lacking in requisite facts, details and particulars with respect to the ground on which the election of the returned candidate is challenged; (iii) Avoid roving and fishing enquiry; (iv) Compliance of sections 83 and 123 of the Act is mandatory; and (v) Non-disclosure of cause of action and material facts in the pleadings would result in rejection of the Election Petition.

(49) There cannot be any dispute with the observations of the Hon'ble Supreme Court in Ram Singh's case (supra) to the effect that corrupt practice alleged must have been committed by the candidate or his polling agent or any other person with the implicit consent of the candidate or his polling agent. It is only then that election of the returned candidate can be declared to be void.

(50) In Charan Lal Sahu's case (supra) a distinction was made out between connivance and consent. It was observed that where undue influence was pleaded with the connivance of the returned candidate, it would amount to absence of pleadings with respect to consent.

(51) So far as the judgment in Jamuna Prasad Singh's case (supra) is concerned, the observations made in view of the peculiar facts and circumstances "that returned Candidate was supported by a gang of dacoits led by named dacoits, who canvassed the voters in the particular villages on particular dates to the effect that" is the effect that unless the allegations of corrupt practice satisfy the material ingredients envisaged by section 123, the election cannot be set aside however, apprehensible otherwise the Act may be.

(52) No assistance can be drawn from Laising Keshri Singh Rehvar's case (supra), in determining the question in issue to the effect, whether names of the particular voters whose rights have been interfered with, is a material fact, necessary to be pleaded before a person can be charged with the commission of corrupt practice.

(53) Support can be derived from the observations made in Ram Dial's case (supra) in determining the question in hand. The facts lucidly stated in the judgment are to the effect that the returned candidate got a farmer from a religious Gurm to his followers to the effect, that their Dharma required them to support the returned candidate and

oppose the election petitioner and not following the farman would incur the wrath of Gurus and the electors would be object of Divine displeasure. This case comes closure to the case in hand.

(54) The question raised was to effect, whether particulars of the individual who had been subjected to undue influence have to be stated and the general allegation of undue influence without reference to individual was not enough. While answering the question, the Hon'ble Supreme Court observed that the law in England, relating to undue influence at elections, is different than the law on the subject in India. It was held that "The words of the English statute, quoted above lay emphasis upon the individual aspect of the exercise of undue influence. It was with reference to the words of that statute, that Bramwell, B. made the following observations in North Durham :—

"When the language of the Act is examined it will be found that intimidation to be within the statute must be intimidation practised upon an individual."

The observation further runs :—

"The Indian law on the other hand does not emphasise the individual aspect of the exercise of such influence, but pays regard to the use of such influence as has the tendency to bring about the result contemplated in the clause. What is material under the Indian law, is not the actual effect produced, but the doing of "such acts as are calculated to interfere with the free exercise of any electoral right."

Resultantly, it was found that the issuance of the farman left no choice to the electors, implying that disobedience of his mandate would carry Divine displeasure or spiritual censure and the case fell within the four corners of section 123(2) Proviso A(ii) of the Act.

(55) In Chandrashekhar Singh's case (Supra), it was observed that the names of the parties alleged to have committed the corrupt practice should be deemed to be one of the particulars required to be given. The particulars of the corrupt practice necessarily include the names of the electors alleged to have been subjected to such corrupt practice. Though the Supreme Court has categorically observed that the names of the electors whose right has been interfered with as well as those of the perpetrators of the corrupt practice, are the particulars of the corrupt practice, still it was held to be an incurable infirmity. The judgment has been noticed as it was cited at the bar, but this is not of much assistance for the decision of the question to be determined in the present case.

(56) In Mohan Lal Sethia v. Chiranjivlal Harsola and another, 1970 U.J. (S.C.) 231, the election was challenged for commission of corrupt practices as defined by section 123(3) of the Act, i.e. that the votes were secured by committing corrupt practice of appealing to the villagers in the name of religion and threatening the voters that they would incur Divine displeasure if they voted for a particular party. After noticing the facts to the effect that in a speech the votes were sought alleging that the party of the returned candidate had failed to protect the cow, rather was, in fact, allowing its slaughter and.... vote for them would amount to sin of Gohatya, it was held that commission of corrupt practices as defined by section 123(2) of the Act was made out.

(57) The above reading of sections 123 and 79 of the Act and keeping in view the scheme of the Act defining, itemising and stating certain acts as deemed to be corrupt practices makes it clear that the object and the intention of the Legislature is to up keep the purity of the election. Undue influence has been defined by keeping in view social conditions and human inability to comprehend the ingenuity, for all times to come, for corrupting the election system to secure political power. The definition of undue influence as would be obvious from the words used in the section can be said to be perfectly wide, general in nature and not restricted. One must look at the law and the Acts alleged to have been violated and ask whether a corrupt practice has been committed. Giving a natural meaning to the section it includes all influences contrary to due and permissible influence. The Act has prohibited the direct or indirect interference in the

electoral rights of a person by any person with the consent of the returned candidate or his election agent. Even an attempt at interference in the electoral rights has been embraced within the definition of undue influence. By providing a deeming definition a threat to a candidate or any elector or any person in whom a candidate or an elector is interested with injury of any kind is deemed to be undue influence. The deeming provisions have to be given effect to and taken to its logical end.

(58) Learned counsel for the petitioner has rightly contended after referring to the precedents stated above that the ingredients of undue influence are (i) the interference; (ii) with the free exercise of electoral rights; (iii) interference can be either direct or indirect or it may even be only in attempt at interference; (iv) the act of interference or attempt at interference must be either by the returned candidate or his election agent or by his supporters with his or his election agent's consent.

(59) The threat held out to a candidate or an elector or any person in whom either the candidate or the elector was interested has been deemed to be an interference in the electoral rights. Similarly inducement or attempt at inducement of any elector or candidate or any person in whom either of them are interested or threat of being rendered an object of Divine displeasure would also amount to interference in the electoral rights.

(60) Keeping in view the above principle, I have gone through the election petition.

(61) There is no gain saying that the corrupt practice has to be proved beyond reasonable doubt as a criminal charge, though the trial is to be held in accordance with the procedure provided by the Code of Civil Procedure. The object of material particulars is to serve the purpose of containing the meaningless intigation and to give a change to the returned candidate to meet the charge against him effectively. What particulars are required to be given, must depend on the facts of each case. These should be commensurate with the charge. Material particulars must be insisted upon to an extent which is reasonable in the circumstances of the case and the nature of the acts attributed to the returned candidate. The object of requirement of material particulars is to put a stop on fishing and roving enquiry and to keep the list as certain and definite. There is no doubt that as observed earlier, the material facts and material particulars sometimes may overlap. In the absence of any material particulars, the parties would be at liberty to pick up facts according to their choice which is not permissible under the election law. Though no syllogistic accuracy is needed while giving the material particulars yet the requirement of fair trial demands that fair and good notice of facts constituting the charge should be given to the returned candidate, which he is supposed to meet. The absence of material particulars may not result in the rejection of the Election Petition but the absence of material facts does not have that result, infirmity of material particular is curable by way of amendment while in case of absence of material facts, the same cannot be supplemented. The absence of material facts would result in incomplete cause of action.

(62) Keeping the principles as observed above, in view, I take up Paragraph 9, as reproduced above. In my considered view, it does disclose the commission of corrupt practice of undue influence. The material facts disclosed as emerged are that Jai Parkash, Sukhpal Singh alias Sukha, Chander Singh, Bhupinder, Joga Singh and Dharmvir came to particular Booths Nos. 121 to 124, Patel Nagar, Hisar, on November 22, 1989 at 12.30 P.M. Jai Parkash returned candidate asked and threatened the electors standing in queue for casting their votes. He further threatened them in order to overawe them. The returned candidate and the persons named opened indiscriminate firing at Polling Booths, in fact, the electors had been beaten by them. Thus, they compelled the electors standing in queue to leave the Polling Booths without casting their votes. Not only this, the tents of Congress-I workers were removed. They were given beating. One of the electors, namely, Balwant Chawla, a young boy was chased by them from the Polling Booth and the boy was ultimately murdered. The persons who were beaten, have been named.

(63) The returned candidate claimed that the names and particulars of the electors whose rights were interfered with is a material fact constituting the corrupt practice and the same has not been disclosed. Mere asking certain persons to leave the Polling Booth has been mentioned and no specific interference with the electoral rights of the electors is pleaded. It was contended that it has not been pleaded that the persons who were asked to leave were the electors of this constituency and they had not cast their votes earlier. The persons who were asked to leave, cannot be assumed necessarily to be the electors and supporters of one party who were subjected to undue influence. A corrupt practice is made out only when electors of opposite camp are threatened or induced or refrained from exercising such electoral right.

(64) I find no force in the contention raised by the learned counsel for the returned candidate. From a reading of the petition as a whole, keeping in view the intention of the petitioners from the tenor and terms of the petition, it is obvious that the names of the perpetrators of the corrupt practice has been specifically stated. The date, time and place have also been specified. The petitioners have given the booth numbers the name of the constituency and the time when firing in the air was done to scare the voters standing in queue to cast their votes. The gravamen of the charge of corrupt practice in the facts and circumstances of this case is not violation of an electoral right of an individual. The corrupt practice is complete when the material facts disclose that there was an attempt to interfere with the electoral rights of the voters. The attempt may not be directed against a particular person or a voter, it can be general. The material facts categorically disclose that indiscriminate firing was done at the polling Booths where the electors were standing in queue to cast their votes. The gravamen of the charge is scaring away all the electors at a Polling Booth. It is the act of the returned candidate which is prohibited or which falls within the definition of commission of corrupt practice and not the effect of it on the electors. Running away of the electors or particularising of the electors towards whom the act was directed, cannot be stated to be a material fact in order to charge the returned candidate with the commission of corrupt practice of under influence.

(65) The corrupt practice is complete when the material facts as to the person who committed it is disclosed to be the returned candidate along with his supporters who had fired in the air. The second material fact is disclosed when it has been attributed that the voters standing in the queue were asked by the returned candidate and his supporters to go away and not to cast their votes. Thirdly, the time and finally the booth numbers have been given. The material facts disclosed lead to an inference that under the threats attributed to have been exercised by the returned candidate along with his supporters, no choice was left with the electors standing in queue for casting their votes to exercise their franchise freely. As has been observed in *Ram Dial's case* (supra) in Indian law with regard to the commission of corrupt practice emphasis is not directed towards individual violation but regard has been made with respect to the use of such influence as has the tendency to bring about the result contemplated in the clause and taking away free exercise of the choice of franchise or compulsion of any nature on the voters to conduct in a particular way has been embraced within the definition of corrupt practices.

(66) The most striking part in the pleadings is that material facts with respect to the beating of the workers and voters of the Congress-I candidate has been specifically stated. The time and place, the perpetrators of the corrupt practice and the person on whom it has been perpetrated have been stated. The assault on the workers of a candidate cannot be stated to be outside the purview of the definition of undue influence. It is reasonable and workable way to look at the definition with respect to the threat of injury to an elector or even a person in whom either the candidate or the elector is interested. There can be no second opinion that in his workers the election-petitioners would be interested.

(67) The scheme of the petition as well as the averments categorically show that the allegation that there was interference by the returned candidate in exercise of free electoral rights, was in general and directed towards the voters standing in queue at the time such act was alleged to have been

committed. Law does not envisage impossible to be done. Therefore, the facts alleged to be material facts, absent from the pleadings cannot be taken as the material facts constituting the corrupt practices alleged.

(68) The net result of the averments made in Paragraph 9 apart from the observations made above, is to the effect that the goons were let loose. The voters standing in the queue were made to run without casting their votes and the workers of Congress-I in whom the petitioners were interested, were beaten. If these facts if proved, do not constitute undue influence, then what else undue influence would be, cannot be comprehended.

(69) The emphasis laid by the counsel for the returned candidate with regard to indiscriminate firing and telling the voters to go away is that it is not stated that the voters were the voters of the defeated candidate and they had not still exercised their right to vote. I am afraid these are not relevant material facts to constitute the cause of action. There may be the factors which can be taken note of while appreciating evidence but these do not constitute material facts in absence of which may result in incomplete cause of action.

(70) I find no force in the contention raised by the learned counsel for the returned candidate that corrupt practices have to be named. In my considered view, pleading of material facts is sufficient to disclose a cause of action. It is for the Courts to infer under which head the material facts disclosed, fall to constitute corrupt practice itemised by section 123 of the Act. The statements made in the pleadings attributed to the returned candidate asking the named persons to beat the workers of the defeated candidate and asking the voters and the persons standing there to run away, would be sufficient in the facts and circumstances of the case to infer the consent of the returned candidate, if the facts alleged are proved.

(71) Merely not naming certain persons particularly when the allegations with regard to the persons named are separable from those with regard to the persons who were not named, cannot render the allegations vague and not triable.

(72) The contention raised by the counsel for the returned candidate that names of the voters and their particulars viz. car numbers, identification marks, the nature of the weapons used, admittedly described by the counsel himself as particulars, in my considered view, are neither the material facts nor the material particulars. These are matters of evidence to prove the allegations. There is no gainsaying that if these things had been stated in the Election Petition, it might give strength to the version and the story set up by the petitioners in the Election Petition. These are the factors which can be taken note of or considered while appreciating the evidence and for coming to the conclusion whether the case set up is true or not. In the facts and circumstances of this case and the scheme of the Election Petition, these particulars are of little importance at this stage. The petition cannot be dismissed for lack of these particulars even if these are accepted to be the particulars.

E.P. 6 of 1990

(73) Almost same objection has been raised with respect to Paragraphs 5 to 11 with respect to the necessary material facts and particulars. The Objection is rejected for the reasons recorded above while dealing with Paragraph 9.

(74) So far as the charge of obtaining the services of Mr. K. S. Tomar, Senior Superintendent of Police for furtherance of election prospects of the returned candidate is concerned, it would be appropriate to reproduce section 123(7) of the Act, which runs as under :

“(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person (with the consent of a candidate or his election agent) any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election from any person in the service of the Government and

belonging to any of the following classes, namely :—

- (a) gazetted officers;
- (b) stipendiary Judges and Magistrate;
- (c) members of the armed forces of the Union;
- (d) members of the police forces;
- (e) excise officers;
- (f) revenue officers other than village revenue officers known as lambardars malguzar, patels, deshmukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and
- (g) such other class of persons in the service of the Government as may be prescribed :

"Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason) such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election)."

(75). This section came up for interpretation before the Hon'ble Supreme Court in Hardwari Lal's case (supra). The Hon'ble Supreme Court scrutinised the section very minutely and elaborately and came to the conclusion that before a corrupt practice as envisaged by Section 123(7) of the Act is made out against a returned candidate, it is enjoined upon the election petitioner to plead the material facts i.e. he should plead the mode of assistance, measure of assistance, the facts relating to the assistance, kind and form of assistance, in what manner the assistance was procured by the returned candidate for furtherance of his election prospects. The exactness of the time of assistance should also be pleaded. The assistance procured or obtained was for furtherance of election prospects of the returned candidate must be pleaded as a natural fact.

(76). I find force in the contention raised by the learned counsel for the returned candidate that on summarising the averments as pointed out above, made by the election petitioner, even if read in conjunction with paragraphs 5 to 11, as stressed by the petitioner's counsel, it comes to that Mr. K. S. Tomar, Senior Superintendent of Police asked certain voters standing in queue to leave the polling booths irrespective of the party or the candidate for whom they were voting. Nothing has been pointed out to show that the alleged act was for furtherance of the election prospects of the returned candidate. Similarly, there is nothing to show the time and date of obtaining the assistance. There are no material facts from which it could be reasonably inferred how and in what manner the assistance has been obtained. The averments are clearly covered by the principles laid down in Hardwari Lal's case (supra). It does not disclose the material facts specifying the requirement of Section 123(7) of the Act. Thus facts making out a corrupt practice as envisaged by this Section have not been stated.

(77) For the reasons discussed above, issues Nos. 1 and 2 are answered in favour of the election petitioners while finding on Issue No. 3 is answered against the respondent. Issue No. 8 is decided against the petitioners.

ISSUE NO. 4 :

(78) No error in the affidavit has been pointed out. Rather no argument has been addressed on this point. Therefore, the Issue is decided against the respondent.

ISSUE NO. 5 :

(79) The averments made in paragraphs 12, 13, 14, 15, 17 and 20 are so interwoven that they cannot be segregated. Apart from it, it is nobody's case that pleadings/averments the struck off under Order VI, rule 16 of the Code of Civil Procedure, which describes the conditions for striking off the pleadings and provides that if the averments are scandalous, frivolous or vague etc., the same can be struck off. There is no such situation in the present case. My observations are squarely covered by the judgment reported in Roop Lal Sethi's case (supra). The Issue is decided against the respondent.

ISSUE NO. 6 :

(80) This Issue has not been pressed by learned counsel for the respondent and is accordingly decided against the respondent.

(81) As a result of the above discussion, the case 845 is adjourned for evidence of the petitioners on issue No. 7 i.e. "whether the election of respondent/returned candidate is void on account of corrupt practice of undue influence under Section 123(2) of the Act, as alleged in paragraphs 5 to 11 of the election petition ? OPP".

September 5th, 1991.

Words : 13000

Costs : 32.50

Copies : 20

Ty. by : Gulshan

Ex. by : Sd/- Illegible

Sd/-

M. S. LIBERHAN, Judge

True Copy

Sd/-

Supervisor Copy Branch

[No. 82/HN/6/90]

By Order,

S. D. PERSHAD, Secy.

नई दिल्ली, 26 सितम्बर, 1992

आ.आ. 257.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचन आयोग एतद्वारा 1990 की निर्वाचन अर्जी सं० 6 में दिया गया पटना उच्च न्यायालय (पटना बेंच, पटना) का तारीख 4-4-91 का आदेश प्रकाशित करता है।

(यहां संलग्न आदेश अंग्रेजी में छापें)

[सं. 82/बिहार/(6/90)/92]

आदेश से

बलवंत सिंह, सचिव

New Delhi, the 26th September, 1992

S/O. No. 257.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the order dated the 4-4-1991 of the High Court of Judicature at Patna in Election Petition No. 6 of 1990.

(Here print the order attached).

[No. 82/BR/(6/90)/92]

By Order,

BALWANT SINGH, Secy.

IN THE HIGH COURT OF JUDICATURE AT
PATNA

ORDER SHEET

E.P. No. 6 of 1990

Mohan Prasad & Anr.

..Petitioner

Versus

Professor Shailendra Nath Shrivestava ..Opp. Party

Serial Date of Order with signature Office notes
as to No. of order action (if any)

taken on order.

ORDER

18. 4-4-1991 Heard learned counsel for the two petitioners and the sole respondent.

Learned counsel for petitioner No. 1 does not press his petition dated 1-4-1991 filed under Section 109 of the R.P. Act, 1951. It is therefore dismissed as not pressed.

Learned counsel for the petitioners submits that election of the sole respondent has been challenged on grounds other than corrupt practice. After filing of the election petition, Parliament has been dissolved. Now it would be futile to proceed with the election petition. He prays for dropping the election case and return of the security deposited. In this connection he has referred to a decision reported in L.R.C.P. (74) 117 (Carter-V-Mills). It has been held in the above decision that the effect of a dissolution of Parliament while an election petition is pending, before the hearing if such petition, is that the petition drops, and the Court will order the sum

deposited by the petitioner by way of security for costs to be returned to him. Learned counsel for the sole respondent, too prays for dropping the case as it would be merely academic to proceed with the election petition as decision would have no impact on the position of any party. In this connection he has referred to a decision in the case of Loknath-V-Birendra Kr. Sahu as reported in A.I.R. 1974 S.C. 505.

It has been held in the above case by the Apex Court of the country that it is well settled practice recognised and followed in India that if an issue is purely academic in that its decision one way or the other would have no impact on the position of the parties, it would be waste of public time and indeed not proper exercise of authority for the Court to engage itself in deciding it. Their Lordships further remarked that the position would be different if the election was challenged on the ground of corrupt practice.

Undisputedly, the election of the sole respondent has not been challenged in the instant case on ground of corrupt practice.

In view of the submissions made and the authorities cited, I am of the opinion, that it would not be proper to try the election petition as election has not been challenged on ground of corrupt practice.

In the circumstances, the election petition is dropped. The security money deposited by the petitioners be returned to them on application in accordance with the rules.

Sd/-

OM PRAKASH

TRUE COPY

For Joint Registrar (J)
Patna High Court, Patna.

